

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
OF
THE STATE OF INDIANA,
DURING THE
TWENTY-SIXTH SESSION
OF THE
GENERAL ASSEMBLY.

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1841.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF

THE STATE OF INDIANA,

Begun and held at the Capitol, in the town of Indianapolis, on Monday the sixth day of December, in the year of our Lord, one thousand eight hundred and forty-one; being the day appointed by law for the meeting of the General Assembly.

The following members of the House of Representatives appeared, produced their credentials, were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

From the counties of Adams and Jay—Robert Tisdale.

" " county of Allen—Marshal S. Wines.

" " " Boone—John Chrisman.

" " " Crawford—John Edwards.

" " " Clinton—Martin Z. Sayler.

" " " Carroll—Andrew L. Robinson.

" " " Cass—Nicholas D. Grover.

" " " Clay—Francis B. Yocum.

" " " Clark—Thos. J. Henley, John S. Simonson.

" " " Dearborn—Ethan A. Brown, James P. Milliken,

and James Rand.

From the county of Decatur—James Saunders.

" " counties of Dekalb and Steuben—Madison Marsh.

" " county of Daviess—Richard A. Clements.

From the county of *Dubois*—John Poulson.
 “ “ “ *Delaware*—Goldsmith C. Gilbert.
 “ “ “ *Elkhart*—Wm. M. Mitchell.
 “ “ “ *Fountain*—Edward A. Hannegan.
 “ “ “ *Franklin*—George G. Shoup, John T. Cooley.
 “ “ “ *Floyd*—John S. Davis.
 “ “ “ *Fayette*—Wilson Thompson, Miner Meeker.
 “ “ “ *Greene*—John F. O’Neal.
 “ “ “ *Grant*—James S. Shively.
 “ “ “ *Gibson*—Joseph Devin.
 “ “ “ *Harrison*—Frederick Leslie, Wm. M. Saffer.
 “ “ “ *Hamilton*—Wm. D. Rooker, Francis B. Cogswell.
 “ “ “ *Henry*—Joel Reed, Robert M. Cooper.
 “ “ “ *Hendricks*—Wm. Townsend.
 “ “ “ *Hancock*—Joseph Chapman, James P. Foley.
 “ “ “ *counties of Huntington, Wells, and Blackford*—Elias

Murray.

From the county of *Johnson*—James Ritchey.

“ “ “ *Jefferson*—Archibald Lawrence, Joseph G. Marshall, and Samuel Goodenow.

From the county of *Jennings*—James Goodhue.

“ “ “ *Jackson*—Ezekiel L. Dunbar.

“ “ “ *Knox*—John Myers.

“ “ “ *counties of Kosciusko and Whitley*—Peter L. Runyan.

“ “ “ *county of Laporte*—John H. Bradley, Joseph W. Chapman,

“ “ “ *Laurence*—Ralph G. Norvell, John J. Barnett.

“ “ “ *Marion*—William J. Brown, Israel Harding.

“ “ “ *Madison*—Thomas McAlister.

“ “ “ *counties of Monroe and Brown*—Willis A. Gorman.

“ “ “ *county of Morgan*—Francis A. Matheny.

“ “ “ *Montgomery*—John Nelson, John Barnett, and Henry T. Snook.

From the counties of *Marshall and Fulton*—William Rannels.

“ “ “ *Miami and Wabash*—Daniel R. Bearss.

“ “ “ *county of Martin*—Cager Peak.

“ “ “ *counties of Noble and Lagrange*—John Thompson.

“ “ “ *county of Owen*—Martin Snoddy.

“ “ “ *Orange*—Henry Lingle.

“ “ “ *Putnam*—George Percy, Jr., Albert Hutton.

“ “ “ *Park*—Pratt Frink, Jephtha Garrigus.

“ “ “ *Posey*—Arza Lee.

“ “ “ *Pike*—Alvan T. Whight.

“ “ “ *Perry*—Robert G. Cotton.

“ “ “ *counties of Porter and Lake*—Lewis Warriner.

“ “ “ *county of Rush*—Pleasant A. Hackleman, William C. Robinson.

From the county of *Ripley*—Henry J. Bowers.

“ “ “ *Randolph*—Robert Butler.

“ “ “ *Spencer*—John Proctor.

From the county of *Shelby*—John Hendricks.

“ “ “ *Sullivan*—John W. Davis, Justus Davis.

“ “ “ *St. Joseph*—John D. Defrees.

“ “ “ *Switzerland*—Samuel Howard.

“ “ “ *Scott*—Aaron Rawlings.

“ “ “ *Tippecanoe*—Elizur Deming, James P. Ellis.

“ “ “ *Union*—Jeremiah S. Williamson, Daniel Ogden.

“ “ “ *Vigo*—Wm. Wines, John Hodges.

“ “ “ *Vanderburgh*—Amos Clark.

“ “ “ *Vermillion*—John Hoobler.

“ “ “ *counties of White, Benton, Jasper and Pulaski*—William Coon.

From the county of *Wayne*—Daniel Stratton, Daniel Sinks, and Wm. R. Foulke.

From the county of *Warrick*—Christopher C. Graham.

“ “ “ *Washington*—Henry C. Monroe, George May.

“ “ “ *Warren*—William G. Montgomery.

The House then proceeded to the election of a Speaker, Messrs. Stratton and Hannegan, acting as tellers. On counting the first ballot, it appeared that

John W. Davis received	-	54 votes.
Joseph G. Marshall	-	40 “
Scattering	-	4 “

John W. Davis having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, during the present session. On being conducted to the Chair by Messrs. Henley and Defrees, he returned his acknowledgments to the House for the honor conferred.

On motion of Mr. Graham,

The House proceeded to the election of a Principal Clerk, Messrs. Wines of Vigo, and Brown of Dearborn, acting as tellers. On counting the first ballot, it appeared that

Joseph F. Brown received	-	59 votes.
James H. Elliott	-	30 “
Scattering	-	10 “

Joseph F. Brown having received a majority of all the votes given, was declared duly elected Principal Clerk of the House of Representatives during the present session: was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Saylor,

The House proceeded to the election of Assistant Clerk, Messrs. Marshall and Ritchey, acting as tellers. On counting the first ballot it appeared that

John C. Huckleberry received	18 votes.
William H. Bennett	35 “
Nathaniel Bolton	14 “
George W. Murphy	13 “

George Berry received	10 votes.
Finley Bigger " "	6 "
Scattering	3 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

John C. Huckleberry received	30 votes
William H. Bennett " "	36 "
Nathaniel Bolton " "	12 "
George W. Murphy " "	10 "
Finley Bigger " "	5 "
George Berry " "	6 "

When, on motion, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

When the House proceeded to the third balloting for Assistant Clerk, no person having received a majority of all the votes given on any former balloting, when it appeared that

John C. Huckleberry received	40 votes.
William H. Bennet " "	42 "
Nathaniel Bolton " "	4 "
George W. Murphy " "	5 "
Finley Bigger " "	5 "

No person having received a majority of all the votes given, the House proceeded to a fourth balloting, when it appeared that

John C. Huckleberry received	47 votes.
William H. Bennett " "	47 "
George W. Murphy " "	3 "
Scattering	2 "

No person having received a majority of all the votes given, the House proceeded to a fifth balloting, when it appeared that

John C. Huckleberry received	50 votes.
William H. Bennet " "	48 "
Scattering	1 "

John C. Huckleberry having received a majority of all the votes given, was declared duly elected Assistant Clerk of the House of Representatives during the present session: was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

Mr. Brown, of Marion, gave notice that on to-morrow he would move to recind the rule authorising the appointment of a committee on Federal Relations.

On motion, the House proceeded to the election of an Enrolling Clerk, Messrs. Cotton and Simonson acting as tellers. On counting the first ballot, it appeared that

E. M. Benson received	27 votes.
George Taylor " "	19 "
Jesse C. Douglass " "	6 "

Andrew F. Scott received	16 votes.
Wm. C. Tarkington " "	15 "
Horatio M. Slack " "	6 "
Scattering	9 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

E. M. Benson received	27 votes.
George Taylor " "	19 "
Jesse C. Douglass " "	6 "
Andrew F. Scott " "	16 "
Wm. C. Tarkington " "	15 "
Horatio M. Slack " "	6 "
Scattering	9 "

No person having received a majority of all the votes given, the House proceeded to a third balloting, when it appeared that

E. M. Benson received	52 votes.
George Taylor " "	28 "
Jesse C. Douglass " "	2 "
Andrew F. Scott " "	8 "
Wm. C. Tarkington " "	8 "
Scattering	1 "

E. M. Benson having received a majority of all the votes given, was declared duly elected Enrolling Clerk of the House of Representatives during the present session: was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate has met, formed a quorum, elected Douglass Maguire Principal Secretary, John H. Farquhar, Assistant Secretary, Samuel C. Dunn, Enrolling Secretary, and David Miller, Door-keeper, and that they are ready to proceed to Legislative business.

The Senate has also adopted the following resolution:

Resolved, That the Joint Rules which were in force for the government of the last General Assembly, be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said Joint Rules, and their concurrence requested therein.

On motion of Mr. Cooper,

The House proceeded to the election of a door-keeper, Messrs. Wines and Cooper acting as tellers.

On counting the first ballot, it appeared that

Andrew Hotchkiss received	2 votes.
Lewis McCormack " "	1 "

Peter Winchell received	1 vote
C. W. Harrison	1 "
J. Berryhill	2 "
David Stipp	14 "
J. Bennet	16 "
William Irons	1 "
J. Brown	3 "
Thos. M. Chill	3 "
John C. Hogan	15 "
John Montgomery	1 "
William M. Patterson	19 "
William K. Miller	3 "
J. Haynes	6 "
John Musgrove	1 "
John S. Lower	7 "
Michael Shea	1 "
Scattering	1 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when, it appeared that

Lewis McCormack received	1 vote.
C. W. Harrison	3 "
David Stipp	13 "
Jeremiah Bennet	18 "
William Irons	2 "
J. Brown	2 "
Thos. M. Chill	1 "
John C. Hogan	26 "
William M. Patterson	27 "
William K. Miller	1 "
J. Haynes	2 "
John S. Lower	3 "

No person having received a majority of all the votes given, the House proceeded to a third balloting, when, it appeared that

Andrew Hotchkiss received	1 vote.
Jeremiah Bennet	20 "
John C. Hogan	28 "
John Montgomery	1 "
William M. Patterson	48 "

No person having received a majority of all the votes given, the House proceeded to a fourth balloting, when, it appeared that

William M. Patterson received	73 votes.
John C. Hogan	18 "
Jeremiah Bennet	7 "

William M. Patterson having received a majority of all the votes given, was declared duly elected and sworn into office, and entered upon the discharge of his duties.

On motion of Mr. Gorman,

Resolved, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, and elected John W. Davis, Speaker; Joseph F. Brown, Principal Clerk; John C. Huckleberry, Assistant Clerk; E. M. Benson, Enrolling Clerk; and William M. Patterson, Door-Keeper, and are now ready to proceed to legislative business.

On motion of Mr. Hannegan,

Resolved, That the Rev. Mr. Gurley be requested to attend in the Hall of the House of Representatives to-morrow morning at half past 9 o'clock, and open the present session of the legislature with solemn prayer, and that the Senate be invited to attend accordingly.

In accordance with the above resolution, Messrs. Brown of M. and Marshall were appointed said committee.

On motion of Mr. Montgomery,

Resolved, That a committee of two on the part of this House, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that both Houses are fully organized, and are now ready to receive any communication that he may deem proper to make, and report to this House at what time such communication will be made, and that the Senate be informed of the adoption of this resolution, and the appointment of a similar committee on the part of that body be respectfully requested.

Messrs. Montgomery and Henley were appointed said committee. And then the House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING DEC. 7, 1841.

The House met pursuant to adjournment.

Mr. Brown of M., from the committee appointed to wait upon the the Rev. Mr. Gurley, made the following report:

MR. SPEAKER—

The committee appointed to wait upon the Rev. Phineas D. Gurley, have performed that duty, and now report, that in compliance with the request of this House, he will attend in the Hall of the House of Representatives this morning at half past 9 o'clock, for the purpose of opening the session with prayer.

On motion of Mr. Dunbar,

Resolved, That the rules and joint rules in force for the govern-

ment of the last General Assembly be adopted by the House of Representatives, as the rules for their action during the present session.

On motion of Mr. Brown of M.,

Resolved, That the Senate be requested to attend in the Hall of the House instantler, to hear the prayer of the Rev. Mr. Gurley, on the opening of the present session, and that seats be provided on the right of the Speaker's chair.

On motion of Mr. Saylor,

Resolved, That the Editors of the Indiana Journal and State Sentinel, or their assistants, be permitted to occupy seats within the bar of this House, to report its proceedings, during the present session, for their respective papers.

A message from the Senate by Mr. Maguire their secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that they have reciprocated the resolution of the House, appointing a committee to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Gurley, and request him to attend in the Hall of the House of Representatives, this day at half past nine o'clock, A. M., to open their session with prayer.

Messrs. Collins and Baird are appointed a committee on the part of the Senate.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair, when the Rev. Mr. Gurley, in a very able and appropriate manner, addressed a prayer to the Throne of Grace.

The Senate then returned to their Chamber.

A message from the Senate by Mr. Maguire their principal secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that they have reciprocated the resolution of the House appointing a committee of two to wait on his Excellency the Governor, and inform him that the two Houses are organized, and are now ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication; and have appointed Messrs. Stevenson and Kinzer a committee on the part of the Senate.

On motion of Mr. Cooper,

The House proceeded to the election of a sergeant-at-arms, Messrs. Leslie and Cogswell acting as tellers; and on counting the first ballot, it appeared that

A. W. Harrison received	-	-	-	17 votes.
Ralph Wilson	"	-	-	7 "
Jos. Robbins	"	-	-	3 "

Nathan. Albertson received	-	-	-	14 votes
Lemuel Ford	"	-	-	14 "
B. Brown	"	-	-	8 "
A. W. Shiveley	"	-	-	3 "
T. Weaver	"	-	-	1 "
J. D. Myers	"	-	-	10 "
D. Richardson	"	-	-	2 "
S. J. Johnson	"	-	-	8 "
John Eckles	"	-	-	2 "
Scattering	-	-	-	9 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, and on counting the votes, it appeared that

A. W. Harrison received	-	-	-	27 votes.
R. Wilson	"	-	-	7 "
Jos. Robbins	"	-	-	2 "
N. Albertson	"	-	-	15 "
L. Ford	"	-	-	20 "
A. W. Shiveley	"	-	-	3 "
J. D. Myers	"	-	-	8 "
D. Richardson	"	-	-	1 "
S. J. Johnson	"	-	-	6 "
B. Brown	"	-	-	4 "
Scattering	-	-	-	6 "

No person having received a majority of all the votes given, the House proceeded to a third balloting, and on counting the votes, it appeared that

A. W. Harrison received	-	-	-	33 votes.
R. Wilson	"	-	-	11 "
N. Albertson	"	-	-	15 "
L. Ford	"	-	-	26 "
J. D. Myers	"	-	-	6 "
D. Richardson	"	-	-	1 "
S. J. Johnson	"	-	-	6 "
Blank	-	-	-	1 "

No person having received a majority of all the votes given, the House proceeded to a fourth balloting, and on counting the votes, it appeared that

A. W. Harrison received	-	-	-	41 votes.
R. Wilson	"	-	-	6 "
N. Albertson	"	-	-	8 "
L. Ford	"	-	-	37 "
J. D. Myers	"	-	-	5 "
D. Richardson	"	-	-	1 "
Blank	-	-	-	1 "

No person having received a majority of all the votes given, the House proceeded to a fifth balloting, and on counting the votes, it appeared that

A. W. Harrison received	-	-	-	48	votes.
R. Wilson	"	-	-	2	"
N. Albertson	"	-	-	4	"
L. Ford	"	-	-	46	"
Blank	-	-	-	3	"

No person having received a majority of all the votes given, the House bolloted a sixth time, and on counting the votes, it appeared that

A. W. Harrison received	-	-	-	44	votes.
N. Albertson	"	-	-	2	"
L. Ford	"	-	-	50	"
Blank	-	-	-	2	"

Lemuel Ford, having received a majority of all the votes given, was declared duly elected, sworn into office, and proceeded to the discharge of his duties.

Mr. Montgomery, from the joint committee on that subject, made the following report:

Mr. SPEAKER—

The joint committee appointed in accordance with the resolution adopted by the House, and reciprocated by the Senate, authorizing them to wait on his Excellency the Governor, and inform him that both Houses of the General Assembly were fully organized, and ready to receive any communication he might deem proper to make, have discharged that duty, and were informed by him, that he would this day at 2 o'clock, P. M., meet the members of both Houses of the General Assembly in the Hall of the House of Representatives, for the purpose of communicating to them his annual message.

Mr. Bradley offered the following resolution:

Resolved, That the Clerk of this House be directed to furnish this House, at as early a day as possible, 200 printed copies of the rules and joint rules of the House of Representatives.

Mr. Cooper moved to strike out 200 and insert 100.

Which motion did not prevail.

The question recurring on the resolution, was then adopted.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Harding,

Resolved, That the Senate be invited to attend instantler in the Hall of the House of Representatives, to receive the message of his Excel-

lency the Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

His Excellency the Governor then came in, attended by the joint committee appointed for that purpose, and in person delivered the following message, in presence of both Houses.

Gentlemen of the Senate

and House of Representatives:

In meeting together to consult for the general good, we are led to review the past, even while the mind is directed to the consideration of the future. Although the year now drawing to a close has produced no amelioration of the causes which are distracting the business, trade and commerce of the country, the bounties which have been showered upon us by a beneficent Providence, call for the most lively expressions of gratitude to Him, who is the source of every blessing. The labors of the husbandman have been crowned with a rich abundance of the fruits of the earth. With some local exceptions we have enjoyed a year of more than usual health. The storm of war which lowered upon our horizon has passed away, and the blessings of peace are continued to our common country. Liberal principles, sound morality and pure religion have exercised their restraining influence upon the community, and we have been spared the pain of witnessing those infractions of law and good order within our State so dangerous to our institutions, and subversive of the fundamental principles of our government.

You have met under peculiarly trying circumstances. Since the adjournment of the last legislature we have reached a crisis in our affairs, dreaded indeed by many, but which it was hoped might be avoided. Indiana, until the present year, had succeeded in paying the interest on her public debt, and at the last session ample provision was supposed to have been made for its payment this year, but circumstances beyond the control of the agents of the State, have rendered it impossible to procure the necessary funds, and we are compelled to admit the unwelcome truth, that the credit of the State has not been sustained.

It now devolves upon the legislature to devise and adopt measures, the best adapted to the exigencies of our situation. To do this, it becomes necessary to look over the whole ground—to examine our exact situation with the strictest scrutiny, and make the most correct estimate we possibly can, of the liabilities and means and resources of the State. In order that the whole subject may be fully presented

and understood, I shall in the first place consider somewhat in detail, the commencement and progress of those measures, the unfortunate issue of which, has involved the State in her present difficulties.

In the year 1827, the State of Indiana obtained from the General Government a grant of land to aid in the construction of the Wabash and Erie Canal, with a view to connect the Wabash river with Lake Erie. A portion of this grant was surrendered to the State of Ohio, on the condition that she would construct the Canal from the boundary of Indiana to the Lake. This canal has been completed, ready for navigation from Lafayette on the Wabash, to the eastern line of the State. This work is not generally regarded as forming a part of the general system of Internal Improvements, in the prosecution of which the State subsequently engaged in the year 1836. It is now understood that Ohio will complete her portion of the line in 1842, by which an uninterrupted communication will be opened between the Wabash and Lake Erie.

In the month of January 1836, the legislature passed an act to provide for a general system of Internal Improvements, embracing a number of expensive works. The extent and present condition of these works, including the Wabash and Erie Canal, with the total disbursement thereon, up to the present time, with the expenditure under every head, may be briefly summed up as follows:

1. The Wabash and Erie Canal from the State line to Tippecanoe, 129 $\frac{1}{2}$ miles in length, completed and navigable for the whole distance, at a total expenditure, including payment for every purpose, of \$2,041,012. This sum includes the cost of the steam boat lock at the Delphi dam, now nearly finished.

2. The extension of the Wabash and Erie Canal from the mouth of Tippecanoe to Terre Haute, 104 $\frac{1}{2}$ miles. Total probable cost \$1,500,000—amount expended, \$408,855. The navigation opened as far down as Lafayette, and a portion of the work performed in the vicinity of Covington.

3. The Cross Cut Canal from Terre Haute to Central Canal, 49 miles in length—estimated cost, \$718,672—amount expended, \$420,679. No part of the work is navigable.

4. The White Water Canal from Lawrenceburgh to the mouth of Nettle creek, 76 $\frac{1}{2}$ miles—total estimated cost, \$1,675,738—amount expended, \$1,099,867. Thirty one miles of this work navigable, extending from the Ohio river to Brookville.

5. The Central Canal from the Wabash and Erie Canal to Indianapolis, including the feeder dam to Muncietown. Total distance, 124 $\frac{1}{2}$ miles—total estimated cost, \$2,299,853—amount expended, \$568,046—eight miles completed, other portions nearly done.

6. Central Canal from Indianapolis to Evansville, on the Ohio river. Length 194 miles—total estimated cost, \$3,532,394—amount expended, \$831,302—19 miles of which, at the southern end, connecting with the Ohio river, are finished, and 16 miles extending south from Indianapolis, nearly finished.

7. Erie and Michigan Canal, 182 $\frac{1}{2}$ miles—estimated cost, \$2,624,823—amount expended, \$156,324. No part of this work is finished.

8. The Madison and Indianapolis Rail Road—85 $\frac{1}{2}$ miles long—total estimated cost, \$2,046,600—amount expended, \$1,493,013. Road finished and in operation for about 28 $\frac{1}{2}$ miles. Grading very nearly finished on 27 $\frac{1}{2}$ miles in addition extending to Edinburgh.

9. Indianapolis and Lafayette Turnpike road—73 miles in length—total estimated cost, \$593,737—amount expended, \$72,182. The bridging and most of the grading done on 27 miles from Crawfordsville to Lafayette.

10. New Albany and Vincennes Turnpike road—105 miles long—estimated cost, \$1,127,295—amount expended, \$654,411. Forty-one miles graded and McAdamized, extending from New Albany to Paoli and 27 miles in addition, partly graded.

11. Jeffersonville and Crawfordsville road—164 $\frac{1}{2}$ miles long—total estimated cost, without metalling, \$952,000, with metalling added, the cost would be \$1,651,800—amount expended, \$372,733. Forty-five miles partly graded and bridged, extending from Jeffersonville to Salem, and from Greencastle north.

12. Improvement of the Wabash Rapids, undertaken jointly by this State and Illinois, one half of the estimated cost of which is \$102,500—amount expended by Indiana, \$9,539.

There has also been paid for the general contingent expenses of the Board of Internal Improvements, for the purchase of instruments, &c., chargeable alike to all the public works, the sum of \$36,564 41.

By summing up the foregoing statement, it will be seen that the whole length is 1289 miles, 281 miles of which have been completed—aggregate estimated cost of all the works, \$19,914,424—amount expended for all purposes, up to this date, \$8,164,528 21.

The above estimates of the cost of the entire lines, are based on the cost of the work already done; from which it appears it would require to complete the whole of the above works, \$11,750,000. At the present reduced prices, it might take less, were it not for the loss and dilapidation on the unfinished portions of the works.*

Following in immediate connection with this view of our public works, is the amount of the whole public debt of the state. Including all our liabilities, this may be estimated at \$15,088,146. There is some difficulty in ascertaining the exact amount of a part of the items, but upon referring to the most accurate sources of information, it is believed the following statement will be found substantially correct:—

1. For the Wabash and Erie Canal,	\$1,727,000
2. For the establishment of the State Bank,	1,390,000
3. For the enlargement of the capital of said Bank,	1,000,000

* The sum requisite to complete any particular work, may be seen by subtracting the amount expended from the estimated cost. Appended to the Message, is a tabular statement (A) prepared from the most authentic vouchers, and sources of information from which the above was extracted, exhibiting the work done and the expenditures, in detail.

4. Advanced to the Bank in anticipation of the fourth instalment of the Surplus Revenue, - - -	294,000
5. For bonds advanced to the Lawrenceburgh and Indianapolis R. Road Company, - - -	221,000
6. For bonds sold for the Internal Improvement System of 1836, - - - - -	7,050,000
7. Due the State Bank for advances on the Public Works, including interest, - - - - -	693,146
8. Amount of Treasury Notes outstanding, - - -	1,300,000
9. For last July instalment of interest, - - -	259,000
10. Hypothecated Bonds sold, - - - - -	404,000
11. Bonds now hypothecated, - - - - -	665,000
12. Interest on outstanding Treasury Notes, - - -	85,000
Total, - - -	\$15,088,146

There has been advanced on the bonds now hypothecated, 145,000 dollars nearly. Should this sum be refunded by the sale of State Bonds, that item will be reduced to the amount of bonds sold to redeem those hypothecated. When the revenue of the year 1841 shall be paid into the treasury, the amount of treasury notes will be reduced perhaps to \$350,000.*

That part of our liabilities usually called the suspended debt, upon which nothing has been received, in which may be included the Cohen property, consists of the following:—

1. Due from the Morris Canal and Banking Company, for Bonds sold to increase the stock of the State Bank, nearly - - - - -	1,000,000
2. From the same, for Bonds sold for Internal Improvement purposes, - - - - -	1,146,000
3. From other Companies, - - - - -	894,000
4. Cost of Cohen property, - - - - -	341,000

Total amount of the Suspended Debt, \$3,381,000

By a joint resolution, "in relation to money due in eastern cities and states, for state bonds disposed of, approved February 24, 1840," it was made the duty of the Fund Commissioners to require collateral security to double the amount of the bonds sold to the Morris Canal and Banking Company, to raise money to increase the capital stock of the State Bank, or require payment of said bonds, or the return thereof. By this transfer to the Canal Fund Commissioners, the management of this debt was taken from the officers of the Bank, and it has since then become blended with the debts contracted on account of the general Internal Improvement system.

No correct opinion can be formed of the probable amount which will be realized from the suspended debt, nor of the value of the col-

* A table showing fully the several items of the public debt, is hereto appended. See table B.

lateral securities taken at different times for its payment; the securities are as various as can be well imagined, and many of them are doubtless scarcely worth the paper employed in conveying them to the state. A part of the debt may be recovered, but how much, or when, are questions it is impossible to answer. One thing, however, is pretty certain, that very little of it can be collected in time to be used for any immediate purpose.

The public debt of the state may be arranged under three different heads.

First, That part upon which the interest can be paid without a resort to taxation. This includes the following loans, viz.

1st. Original loans to create bank stock, - - -	\$1,390,000
2d. Advanced to the Bank in anticipation of the 4th instalment of the Surplus Revenue, - - -	294,000
3d. Advanced to the Lawrenceburgh and Indianapolis Rail-road Company, - - - - -	221,000

Total, - - - - - \$1,905,000

Second, The Treasury Notes remaining in circulation. The whole amount issued up to the first of November, 1840, was, 1,450,000 dollars. The amount which has not been returned to the treasury is estimated at 1,300,000 dollars. These bear interest from their date until redeemed, at the rate of six per cent. per annum.

Third, This part of the public debt consists of all those liabilities of every description exclusive of the treasury notes upon which interest is demandable, and for the payment of which no adequate means are at present provided.

These may be stated as follows:—

1. Bonds sold for the Wabash and Erie Canal, - - -	\$1,727,000
2. Bonds disposed of for Internal Improvement purposes, - - -	7,050,000
3. Principal due the State Bank for advances on the public works, - - - - -	641,500
4. Hypothecated Bonds sold and unsold, - - - - -	*1,069,000
5. For Bonds sold to the Morris Canal and Banking Company, to increase the capital stock of the State Bank, nearly, - - - - -	1,000,000

Total, - - - - - \$11,487,500

This sum bears five per cent. interest, except 100,000 dollars of the Wabash and Erie Canal loan, and the amount advanced on the public works, by the bank, which bear six per cent.; and about 30,000 dollars of seven per cent. bonds recently disposed of in payment of interest. The annual interest on the above sum may be set down at 582,440 dollars. If we add to this the amount to be paid

*The unsold (\$665,000,) will not draw interest until sold under the hypothecation

for exchanges, commission, expenses, &c. the least amount necessary to discharge the interest on the above part of the public debt, will vary but little from 615,000 dollars annually.

To pay this amount of interest, the state possesses the following means, which may be relied on with certainty:

1st, The interest on the proceeds of sales of the Wabash and Erie Canal, - - - - -	\$24,000
2d. Interest from Surplus Revenue, - - - - -	\$32,000

Total, - - - - - \$56,000

Which being deducted from the preceding sum of \$615,000 leaves the annual interest due under the third head, at the sum of \$559,000.

The proceeds from tolls, water-rents, &c. on the public works, will be absorbed in expenses and repairs, for some time. And all other extraordinary sources of revenue brought into the estimates usually made, are too uncertain to be relied upon at present. But I think it may be calculated safely that in five years, should Ohio complete her portion of the work as soon as expected, the tolls and rents derived from the Wabash and Erie Canal, when added to the annual interest received from the sale of canal lands, will be sufficient to pay the interest on the loan for its construction.

It will be discovered from the foregoing statements that we have a two-fold debt pressing heavily upon us, from which immediate relief cannot be expected, namely, the sum actually expended on the system of Internal Improvements adopted in 1836, comprising works which are not in a situation to yield any profit, and also the suspended debt upon which the accruing interest is to be paid, although the State has not received any part of the principal.

It is due to ourselves in this state of our affairs, to examine into some of the prominent causes which have produced the present embarrassments. The first of these is doubtless to be found in the number of large and expensive works, embraced in the system of Internal Improvements, and their simultaneous prosecution. Also the unexpected increase in the prices of provisions, labor and materials was such that a sum much greater than the original estimates was required for the construction of the public works. Two great errors were committed in the progress of the system. The first was paying the most of the interest out of the money borrowed. This subjected the State to the payment of compound interest, and the people not feeling the pressure of taxes to discharge the interest, naturally became inattentive to the policy which was pursued. Had the legislature commenced by levying taxes to defray the interest as it accrued, its amount would have been a certain index to the sums expended on the works. This of itself would have done much to check extravagant expenditures. The second error was selling bonds on credit. This finally led to the most disastrous consequences, and it constitutes a prominent cause of the failure of the State, to progress with the general system of improvements, that those companies to whom bonds had been sold on time did not comply with their contracts. During

the Summer of 1839, several very important works were rapidly progressing to completion. Loans had been negotiated with the Morris Canal and Banking Company, and other Companies of less note, amounting to nearly two millions of dollars, and generally, the proceeds were to be paid to the State in monthly instalments, so as to enable the canal commissioners to meet their engagements, with contractors on the public works. Every thing seemed to be moving forward as prosperously as could be desired until the month of August, 1839, when these Companies became unable to fulfil their contracts. As a matter of course operations on the public works ceased immediately, except on the Madison and Indianapolis Rail Road, for which a special loan had been made with a company in Madison. In a very short time the situation of the country became such, that money to progress with the works could not be obtained from any quarter.

But the enumeration of the causes which produced our present embarrassments does not stop here, particularly as relates to the non-payment of interest. The legislature at the last session made provision for the payment of interest, and the redemption of Treasury notes by authorizing the sale of bonds, to bear not exceeding seven per cent. interest, and by directing the levy of a tax of forty cents on each hundred dollars of the grand assessment. As is well known, the Fund Commissioner could not dispose of bonds on the terms required by the legislature. Nothing could be realised in the collection of taxes soon enough to meet the July instalment of interest. But this is not all. The act of 1840, authorizing the issue of the Treasury notes, made them receivable for taxes, and it will be found when the revenue of the present year shall have been paid into the Treasury, that most, if not all of it, will be returned in Treasury notes—which by law are required to be destroyed as they are received by the Treasurer of State. And the amount of these notes still in circulation must prevent us, for several years, from deriving any available means from the collection of taxes, with which to liquidate any part of the interest on the State debt. The condition of the suspended debt is such, that although portions of it may be collected, yet we cannot procure it to pay interest as it falls due.

Such is actually our condition, and candor and justice to ourselves, and to our creditors, require us to acknowledge, that we have neither under our control nor in prospect, for some time to come, the means to discharge the interest on the whole of our public debt.

It is true we might by the sale of bonds greatly below their nominal value, manage to meet our liabilities for the present, but owing to the vast depreciation of our bonds, the debt of the State would soon be augmented to a sum so large that it would be impossible under the most favorable circumstances, to sustain its accumulated weight. Such a line of policy must in the end, lead to a failure more disastrous and oppressive in its consequences, than to pause at the present period of our difficulties. Heavy sacrifices to pay interest will add to the existing burdens of the State, without the most remote promise of ultimate relief, although this may not be true in respect of measures,

to secure the completion of some of the best works. The sum which it would be necessary to lose in order to pay our interest at the present selling price of our bonds, if properly and prudently applied annually, would do more to relieve the State and calm the fears of judicious creditors, than large and continued sacrifices to meet the interest while permitting the works to decay.

Nevertheless it becomes us to leave no efforts untried to recover our former position. Indiana possesses an enterprising and a rapidly increasing population. The natural resources of the State as they shall be developed by the industry of her citizens will add continually to her wealth, and this very addition will result in a constant relative diminution of the burdens of the public debt. It is our misfortune that we cannot preserve the faith of the State unimpaired. Still we should not despair of recovering from our difficulties while any means remain within our power with which we can work. Although whatever means available at present, are insufficient to pay all the interest, on our internal improvement debt, yet can we not with these, and such other resources as can be reached, properly and prudently applied, place the State in a situation to pay her debts, and finally redeem her sunken credit. Unless infamy is to be sought in the suicidal measure of repudiating the public debt, and we furthermore adopt the destructive policy of abandoning all the public works comprized in the act of 1836, thus throwing away at a dead loss forever, all that has been expended, the State could not do better than to collect all her scattered means, which can be made available and with a determined effort, endeavour to place some of the most valuable works, in a condition to become profitable.

So far as it can be done consistently with the public good, and the pledged faith of the State, and without granting privileges which may prove detrimental to the future interests of the citizens, the State would do well to secure the assistance of companies, who may be willing to contribute towards the construction of the public works. That companies can be found to embark to any great extent in an enterprize of this character, I do not believe. Nevertheless on some of the lines it is currently understood that associations of individuals can be induced to step forward, and invest funds in the shape of Stock to an amount which will afford efficient assistance in the completion of those works.

Noah Noble, Esq., the Fund Commissioner, has been assiduously engaged through the present year in the duties of his office. Your most earnest attention is invited to his very full report, which will be laid before you. Its magnitude and the variety of topics, relating almost exclusively to the suspended debt, and the collateral securities taken to secure its payment, forbid my attempting any particular statement of its contents. You will perceive from the report that the greater part of the suspended debt is involved in doubt and difficulty. Every fair and impartial mind must receive the impression, that Indiana has been in many instances the victim of preconcerted imposition and fraud. If broken banks were to be resuscitated

for dishonest purposes, Indiana Bonds were obtained by the projectors to aid in the enterprise. If clamorous creditors were to be satisfied, it is to be feared that they sometimes lent assistance to their debtors, in cajoling our agents out of the bonds. If heavily operating institutions were involved in extensive speculations under which they must sink, unless a powerful effort were put forth, Indiana bonds were procured at nearly their par value, and thrown upon the money market at reduced prices, to raise the means of meeting a pressing emergency. There is nothing pleasant in arriving at these conclusions, nor in expressing them, but while so much is said in a spirit of reproof, on the subject of Indiana protecting her credit under such a complication of difficulties, we ask to have it remembered, that some of those upon whom we relied for the means of progressing with our public works, have not kept their faith with us. How much soever we may be obnoxious to censure, as a State, for the inconsiderate manner in which the system of Internal Improvements was projected and prosecuted, it is our misfortune, and not through any dishonest intention, that we occupy our present position. Could we collect the whole or even a moiety of the suspended debt, much could be accomplished in sustaining the faith of the State. It was the creation of this debt, which put a stop to the operations on the public works, and its weight is now crushing the energies of those, who are struggling to sustain the credit of Indiana.

As to our own public agents identified with these transactions, so far as any of them have wilfully violated their duty, they should answer therefor to the proper tribunals of the country. You will of course, in justice to all concerned, give this subject a fair and impartial investigation, and if necessary, direct such proceedings as justice and the interests of the State may demand.

In presenting the preceding details, views, and remarks, respecting the condition of the affairs of the State, and of the suspended debt, I have found no pleasure. An imperious sense of duty has alone induced me to adopt the course I have pursued on this occasion. As regards the public works, the State debt and our future prospects, it can subserve no useful purpose to ourselves, nor to our creditors to conceal our real situation. When all know the ground upon which we stand, the wisdom of future measures can be fully appreciated, the object at which our exertions should be aimed, can be more clearly perceived, and fully understanding the premises, the probabilities of a favorable result can be the more readily estimated by ourselves, and those to whom we may look for assistance.

At the session of Congress before the last, the claim of Indiana was confirmed to an additional quantity of land, to be applied to the continuation of the Wabash and Erie Canal, to Terre Haute; and the selections of land made by the State authorities have been recognized and allowed by the General Government. During the past summer, a survey and estimate of the cost of this work was made by an experienced Engineer, the expense of which was defrayed by the citizens of the counties through which the Canal will pass. The surveys and

estimates will be laid before you, with the proper explanations. These lands were claimed by the State, and her claim was allowed by Congress for a particular object, and it will devolve on the present legislature to determine, when, and how, it shall be applied to the accomplishment of that object.

Some modification of the laws, respecting the officers employed on the public works, is advisable, with a view to the most rigid economy consistent with the general interests. Agents to superintend the works already finished, and preserve the public property on the unfinished portions of the works, will be requisite. The office of chief Engineer, it is believed, may be dispensed with for the present, as the services of Engineers for operations on any particular line can at all times be procured. In this opinion the chief Engineer and his colleague on the Board of public works, both concur. It is not very material, what particular mode is adopted in reference to these matters, so that the interests of the State are sufficiently protected, and those retained in her service are competent, and under a proper supervision.

The affairs of the State bank will claim your attention. As exhibited on the 30th of October 1841, the condition of the bank was as follows:

MEANS:

Discounted notes and bills of exchange, -	\$3,708,158 06
Balances due from, and notes of other banks, -	417,040 82
Specie, -	1,127,518 60
Other resources, -	1,395,492 73
Total, -	<u>\$6,648,210 21</u>

LIABILITIES.

Notes in circulation, -	\$2,940,414 00
Individual deposites, -	251,986 41
Other liabilities, except those for the stock and its profits, -	294,784 46
	3,487,184 87
Balance being amount of State and individual stock, and undivided profits, -	\$3,161,025 34
	<u>\$6,648,210 21</u>

It is to be remembered that in the year 1839 the State used \$641,461.00 of the means of the Bank, upon which not even the interest has been paid, and to this amount is restricting the power of loaning to the citizens. As a matter of course, the bank, like individuals, feels the pressure of the times, and it has become almost essential to

the existence of some of the branches that this debt should be liquidated.

The subject of resuming specie payments has been frequently pressed on the western banks. It is difficult to foresee all the consequences of such a measure, but one thing is certain, that a change in the times for the better, will not be fully established until there has been a return to a specie paying currency, resting on a durable basis. Still the only permanent remedy of the present distress is to be found in the removal of individual indebtedness. Such a result must be produced mainly by the profits arising from the sale of the staple exports of the country, and the interchange and transfer of property, and the surplus productions of labor in the payment of debts; and a well regulated currency, and equal exchanges are most important agents in facilitating that part of these operations, in which money is requisite in buying and selling, or to pay debts at home, and especially abroad.

It must, however, be borne in mind that another crisis is before us, in which every kind of property will be liable to a further depreciation. Just as soon as the banks resume, whether immediately or at some distant day, those banks, unable to withstand the shock, must sink, the most, if not all of them never to rise again. As most of these have a large circulation, a vast amount of paper money depreciated in value, or proving worthless in the hands of the holders, will add to the disasters of the times. At the resumption of specie payments, the paper of all those banks unable to redeem their liabilities in gold and silver, must suffer a depreciation which will render it nearly valueless in the payment of debts, until it shall have undergone the shaving process of the broker's office. One matter which materially effects the present embarrassments, consists in the great declension in prices, the real effect of which is the same as if the entire indebtedness of the country had been increased in a similar proportion to the reduction which has taken place in the value of labor, and every kind of transferable property. A like result may be produced by causing a depreciation of the circulating medium. Whenever the leading banks in the West shall have commenced paying specie, their paper must rise to the specie standard, the amount of their circulation will be rapidly diminished, and for self protection not be thrown out again, until it has been clearly ascertained what banking institutions have survived. The paper which must depreciate, and it may include the Treasury Notes of this State, will remain for the debtor, who will discover most unexpectedly, that his debts have been in effect enlarged by the increased amount of such paper which it will require to pay those debts contracted, at home and abroad, with reference to a more uniform state of the currency. Whatever consequences may spring from a resumption, I fear those will be deceived who urge the measure, under the belief that it will, unaided by other measures, prove an effectual remedy for the distracted condition of the trade and commerce of the country. The origin of the evil lies farther back, than the refusal of the banks to pay specie. The suspension is but one of the many consequences which have flowed from overbanking, over-

trading, and from wild and reckless speculation, through which wealth was sought by new and untried schemes, that have brought nothing but ruin and bankruptcy to the projectors.

The time for resumption should be selected with caution, and neither precipitated nor delayed, except for sufficient reasons. It, however, may not be amiss to remark, if many banks of doubtful solvency continue increasing their circulation, which in all probability must prove worthless in the end, the sooner the resumption takes place, the better for the country. When the banks shall undertake to redeem their liabilities in specie, they must be sustained as far as possible, for a general failure in the effort, would but augment the disasters and difficulties, which have perplexed the trade, business and moneyed concerns of the country, for the last few years. In the meantime, if we wish to hasten the approach of better times, we must live cheaper, pay our old debts as fast as our available means will enable us, even if some considerable sacrifice is required, protect the industry of our own citizens against the ruinous competition of low prices and scanty wages in Europe, and secure a sound and equal currency for the trading and commercial operations, of every portion of our common country.

As respects the State Bank of Indiana, it can, no doubt, resume at the earliest day the leading Western Banks will name. Whether it can do so at an earlier period, without permanent injury to the Bank itself, irrespective of the general welfare, is a question concerning which a more correct opinion can be formed, when the condition of the branches shall be exhibited through their annual reports to the legislature. Rash measures in reference to this subject are to be deprecated; for should the Bank be crushed under a premature attempt at resumption, the people will be deprived of a currency which has always been eagerly sought after, and that portion of the State debt invested in bank stock, which has hitherto met its own interest, and yielded a handsome profit besides, to the State, must be added to the debt to pay the interest upon which, no means exist except a resort to direct taxation: I say added to it, because the State has now nearly half her share of the capital drawn out, and the losses, incident to a sudden winding up of the concerns of the bank, would well nigh dissipate the balance. As to the general management of the bank, the strictest scrutiny should be exercised for the correction of all abuses, which may be found to exist, in order to sustain its character and usefulness, as an institution in which the people of the State have a deep interest.

The act authorising the issue of Treasury Notes provided that they should be issued of the denominations of fifty and of five dollars, in an equal amount of each kind. The larger notes have proved inconvenient for circulation, and for the payment of taxes, and have suffered and are still liable to a greater depreciation than those of the less denomination. It is believed that it would be highly beneficial to the public generally, if provision were made by law for the State to take up the fifties, by substituting in their place notes of five dollars. As

the State can lose nothing by the operation, no good reason can be conceived why this should not be done immediately, the more especially as it is now settled that they must remain in the hands of the people, until they can be taken up in the collection of the State revenue. Under existing circumstances bonds cannot be sold for their redemption, and it will require every exertion to prevent their depreciation. Their value as a circulating medium, for which they have been used must now depend on the facility with which they can be applied to the payment of taxes, and the demand created for them, by the amount of taxes to be collected.

From the report of the Treasurer of State which will be laid before you, it will be seen that the balance remaining in the Treasury on the 31st of October, last, being the close of the fiscal year is \$29,774,93.

The report of the Auditor of State, which will be laid before you, shows the assessments of the present year from which the revenue of 1842 is to be derived. It appears that the whole taxable property of Indiana is valued at \$95,518,763, showing an increase over the assessments of the previous year of \$5,762,978. The number of polls returned are 103,746, showing an increase in the number of polls, of 3,458. The revenue received the present year for State purposes will be \$459,884,55. This amount is derived under the law directing an annual permanent tax of forty cents to be levied each year on the grand assessment for Internal Improvement purposes, and seventy-five cents on each poll to pay the current expenses of the State Government. These expenses are estimated for the ensuing year at \$92,750,00.

The present Librarian of the State in the faithful discharge of his duties has placed the library in excellent condition. Many books which were supposed to be lost, have been recovered by him, and some valuable additions have been made by purchase under the law of the last session on that subject. Being entrusted with the care of the capitol, close attention has been given by him to the preservation of the house and its furniture, and it is hoped that the improvements in its arrangements will prevent that want of comfort and loss of health so much complained of amongst those by whom it has been previously occupied. Some extension of the privileges of the Library, it is believed is necessary to carry out its original design.

The condition of the State Prison claims your especial regard. At the last meeting of the Legislature, provision was made by law for a partial reorganization of its government and discipline, to go into operation at the expiration of the term of the Superintendents then in office, which took place on the 14th of last June. In pursuance of the Act just named, vesting their appointment in the Executive, Joseph R. Pratt and John McDougal, Esqrs., were appointed Superintendents of the State Prison—Mr. William Collum, Clerk, Dr. Samuel Merriwether, Physician, and the Rev. Fernandez C. Holliday, of the Methodist Episcopal Church, Chaplain—all of whom entered upon the discharge of their duties according to law. Herewith, I lay before you the report of Dr. Samuel Wort visiter, of the Prison, for the present year. He gives a full account of the state of the Prison, and makes

many valuable suggestions in favor of remodelling the whole system.

During the past summer, while in the Southern part of the State, I made it a point to spend a short time in examining the Prison, its discipline and its adaptation to the purposes for which it was established. While I can freely express my satisfaction with the management of the Superintendents, so far as it came under my observation, and in favor of the provisions of the law of last winter, as far as they went, I have no hesitation in saying that the Prison itself, and the entire policy of its discipline, as established by law, cannot be too soon abandoned for the character of the State. The country has been full of rumors, for many years, of mismanagement and want of proper attention on the part of the Superintendents; but it needs only a hasty examination of the entire concern, to satisfy the most dull observer, that no man, or set of men, the best qualified that can be found, would be able to succeed in the management of the present Prison, as such an institution ought to be conducted. The Prison itself, is entirely too small, and the buildings are ill-designed and worse constructed. When the additional buildings, contemplated by the Act of last session, shall be completed, the space within the walls will be so nearly filled up, that it will be impossible to employ the convicts in the limits of the Prison, with advantage to the Superintendents, or the State. Indeed, suitable workshops, with the requisite light and air, and properly ventilated to secure the health of the prisoners, cannot be obtained without procuring an additional lot of ground, which cannot be done except at a very extravagant price.

The location of the Penitentiary on the Ohio river, in the immediate vicinity of a flourishing commercial city, furnishes every facility for the profitable employment of the convicts; and a removal to a distance from Jeffersonville is not to be desired. The ineligibility of the present site, however, is very obvious. The Prison is situated within the incorporated limits of the Town, with dwellings of the citizens near it. The practice has been for many years, and I apprehend it cannot be entirely changed until more room is obtained, to employ a part of the convicts at labor without the Prison, and it has been the cause of much just complaint on the part of the citizens of Jeffersonville, that they are daily compelled to witness convicted felons mingling with the population of the town. Situated where the Prison is, its management must, and does frequently bring the officers of the institution in conflict with the police of Jeffersonville.

It is submitted to your consideration, whether it would not be expedient and proper to so far change the present situation of the Prison, as to establish it without the limits of the town of Jeffersonville. It is believed that a suitable site, containing the requisite space, can be procured for a reasonable sum at a short distance from the Town, which will secure all the benefits of the present location, without any of its disadvantages. It is said that good stone of the proper kind, can be procured, and delivered at Jeffersonville at a low rate. A part of the prisoners might be employed in dressing and preparing this stone for the erection of a new Penitentiary. To effect this object it would

only be necessary to change the existing contract with the Superintendents, so far as to permit them to discharge the amount they have already agreed to pay the State, annually, for the labor of the convicts, in the preparation of materials, and the erection of the necessary buildings. As soon as the cells would be finished, the materials of the old Prison could be applied to the erection of walls and shops for the new Prison. With very little additional aid from the State, all the glaring defects of the present system might be avoided, and the improvements in prison discipline, which the experience and humanity of the age have produced for the reformation, connected with the punishment of convicts, could then, and not until then, be applied to the Penitentiary system of Indiana.

When Indianapolis was established as the seat of our State Government, upon lands granted by Congress for that purpose, a lot of ample size was reserved by the State for the purpose of a Lunatic Asylum. Nothing has been done heretofore by the Legislature to carry out the object of this reservation, although the example of several neighboring States, has been constantly before us for many years. In all the legislation respecting the insane, they have only been regarded as incapable of self-government. No provision has been made for the establishment of an institution, where they may be placed and submitted to proper medical treatment. The question is left for your decision, whether and by what means the object of the above reservation shall be effected.

The situation of the deaf and dumb in this State calls for some legislative interference. By the last census it appears that there are in this State 305 deaf and dumb persons, and our Statute books remind us that no provision has been made for their instruction. In this matter, Indiana is behind the times. The comprehensiveness of modern systems of education embraces means of instruction adapted to the capacities of this unfortunate class, by which they are readily enabled to acquire knowledge and communicate their ideas. The Constitution makes it the duty of the General Assembly to provide by law for a general system of Education, wherein tuition shall be equally open to all. A full compliance with this fundamental rule of our State Government, cannot be secured, until an Institution is provided for those, who are susceptible of an education, but to whom it cannot be imparted by the ordinary means of instruction.

As connected with the perpetuation of free principles, and the stability of our Government, no subject is of more vital importance, than the general diffusion of knowledge, from its elementary principles, to the highest grades of learning. Our State constitution has imposed it upon the General Assembly "to provide by law for a general system of education ascending in a regular gradation from Township Schools to a State University, wherein tuition shall be gratis, and equally open to all." Although there has been much legislation, but little progress has been made in the perfection of such a system. It may be that a principal cause of failure is to be found in the fact, that too much reliance has been placed in devising particu-

lar systems, which, of themselves are expected to produce the desired result, without any reference to the peculiar state of society, or the means which can be commanded to carry out those systems. It is almost impossible to ascertain the amount, or condition, of the funds appropriated for the benefit of common schools. Are these funds in a situation to be applied as appropriated? What amount can be relied upon—and is the entire amount sufficient to answer any valuable purpose, or is it necessary to make additions to the funds, already designed to aid in a compliance with the requisitions of the constitution? Until these matters are clearly ascertained, every system of common school education must necessarily prove inefficient. This consideration points to the propriety of appointing some suitable agent or agents to examine into, and report the general condition of the school funds of the State, that future legislatures may be fully advised of the particular legislation, necessary, to accomplish the design of that admirable feature in our constitution, to which your attention has been invited.

The fines and forfeitures in criminal cases have been set apart as a fund, for the establishment of county Seminaries. How it is managed or applied, is, under the present laws, unknown to the legislature. It is respectfully suggested that some plan should be adopted, by which the amount and mode of managing this fund in the respective counties, may be annually reported to the General Assembly.

The interests of the State University, endowed by the munificence of the General Government, are entitled to your especial attention. To make that Institution prosperous, useful and permanent, will require a constant supervision of its affairs, and its fund should be protected with the most watchful vigilance. I am in possession of no facts, from which I can give any account of the progress of the Institution during the past year.

I have endeavored thus to lay before you the condition and wants of the State, as fully as the means within my power would enable me, with such suggestions as seemed important for your consideration.—There is, as you will perceive, little in the aspect of our affairs, upon which we can look with pleasure. It is difficult to foresee the result of the present state of things, and equally as difficult to determine, what particular remedy should be applied. The involvement of the citizens, while adding to the embarrassments of the affairs of the State, increases the amount of responsibility resting upon us. There never has been a time in the history of our State when a spirit of forbearance, firmness of purpose, and an entire abandonment of all selfish designs were more imperiously required of those, entrusted with the management of her concerns.

It will at all times afford me the most sincere pleasure, to unite with the Legislature, in the adoption of measures to promote the welfare, and retrieve the credit of the State. Coming to your duties immediately from the people, you will be well informed of their peculiar wants and necessities, and whatever you may adopt for the relief of the community, at the same time impartially securing the

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STATEMENT A.

[To follow Governor's Message, in House Journal.]

Exhibiting the Expenditures for Internal Improvement up to the 30th November, 1841.

[illegible]

lar systems, which, of the result, without any reference means which can be almost impossible to ascertain appropriated for the benefit a situation to be applied relied upon — and is of valuable purpose, or is already designed to aid constitution? Until the system of common school. This consideration of the school funds suitable agent or agents fully advised of the particular design of that admirable attention has been invited.

The fines and forfeitures fund, for the establishment or applied, is, under the is respectfully suggested the amount and mode of may be annually reported.

The interests of the State of the General Government. To make that Institution a constant supervision with the most watchful from which I can give a during the past year.

I have endeavored to of the State, as fully as with such suggestions a There is, as you will perceive which we can look with of the present state of what particular remedy citizens, while adding State, increases the amount never has been a time in bearance, firmness of purpose fish designs were more the management of her

It will at all times afflict the Legislature, in the and retrieve the credit diately from the people, wants and necessities, relief of the community,

most rights of all, shall receive my most willing sanction. May all our labors be signalized by harmony of action, and followed with the most beneficial results to our common constituents.

SAML. BIGGER.

EXECUTIVE CHAMBER, }

December 7, 1841. }

The Senate then returned to their Chamber.

Mr. Cogswell offered the following resolution:

Resolved, That the public printer be directed to print and furnish two thousand copies of the Governor's Message for the use of the members of this House.

Mr. Brown of Marion moved to strike out 2,000 and insert 1,000, Which amendment prevailed, and then the resolution as amended, was adopted.

Mr. Cogswell moved the adoption of the following resolution:

Resolved, That the door-keeper of the House of Representatives be authorized to employ such assistance as the discharge of his duties may require.

Mr. Harding moved to amend the resolution so as to fix the allowance of assistant door-keepers at \$1 00 per diem,

Which did not prevail.

Mr. Runyon moved to amend so as to limit the appointment of assistant door-keepers to two,

Which did not prevail.

The question recurring on the adoption of the resolution, was decided in the affirmative.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING DEC. 8, 1841.

The House met pursuant to adjournment.

The Speaker announced the following standing committees:

1st. ON ELECTIONS.

Messrs. Graham, O'Neal, May, Proctor, Rannells, Frink and Coon.

2d. ON WAYS AND MEANS.

Messrs. Henley, Wines of Vigo, Thompson of Fayette, Hendricks, Bradley of Laporte, Goodenow and Davis of Floyd.

3d. ON THE JUDICIARY.

Messrs. Marshall, Hannegan, Defrees, Gorman, Chapman of Laporte, Brown of Marion and Matheny.

4th. ON EDUCATION.

Messrs. Ritchey, Dunbar, Gorman, Deming, Lee, Shiveley and Foulk.

5th. ON THE STATE BANK OF INDIANA.

Messrs. Brown of Dearborn, Nelson, Simonson, Murray, Rawlings, Stratton and Thompson of Noble and Lagrange.

6th. ON MILITARY AFFAIRS.

Messrs. Myers, Grover, Monroe, Yocum, Lawrence, Rand and Saunders.

7th. ON THE AFFAIRS OF THE STATE PRISON.

Messrs. Simonson, Warriner, Williamson, Howard, Ellis, Meeker and Townsend.

8th. ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Cooper, Chapman of Hancock, Edwards, Whight, Tisdale, Milliken and Harding.

9th. ON CLAIMS.

Messrs. Defrees, Davis of Sullivan, Bowers, Devin, Cooley, Saffer and Gilbert.

10th. ON ROADS.

Messrs. Leslie, Chrisman, Snoddy, Peak, Barnett of Montgomery, Runyon and Ogden.

11th. ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Hannegan, Marshall, Wines of Allen, Brown of Dearborn, Clark, Clements and Hoobler.

12th. ON AGRICULTURE.

Messrs. Garrigus, Percy, Barnett of Lawrence, Butler, McAlister, Shoup and Sinks.

13th. ON CORPORATIONS.

Messrs. Montgomery, Robinson of Carroll, Goodhue, Lingle, Hackleman, Marsh and Bearss.

14th. ON FEDERAL RELATIONS.

Messrs. Cogswell, Mitchell, Norvell, Foley, Poulson, Hodges and Reed.

15th. ON PUBLIC EXPENDITURES.

Messrs. Saylor, Graham, Hackleman, Leslie, Hutton, Rooker and Snook.

ON ENGROSSED BILLS.

Messrs. Norvell and Dunbar.

ON ENROLLED BILLS.

Messrs. Robinson of Carroll and Cotton.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Percy, Mitchell and Hendricks.

ON THE CANAL FUND.

Messrs. Brown of Marion, Ritchey and Cogswell.

ON THE STATE LIBRARY.

Messrs. Deming, Thompson of Fayette and Bradley.

The following will be the order of business, until otherwise directed by the House:

- I. Reading of the Journals.
- II. Petitions, memorials and remonstrances.
- III. Reports from Joint Standing Committees.
 - 1st. Of Elections.
 - 2d. Ways and Means.
 - 3d. Judiciary.
 - 4th. Education.
 - 5th. Military Affairs.
 - 6th. On the Affairs of the State Prison.
 - 7th. On the Affairs of the town of Indianapolis.

- 8th. On Claims.
- 9th. On Roads.
- 10th. On Canals and Internal Improvements.
- 11th. On Agriculture.
- 12th. On Corporations.
- 13th. On the State Bank.
- 14th. On Federal Relations.

IV. Reports from Joint Standing Committees.

- 1st. On Public Buildings.
- 2d. On the Canal Fund.

V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Bills.

IX. Orders of the Day.

On motion of Mr. Leslie,

Resolved, That one hundred copies of the order of business, and of standing committees, be printed for the use of this House.

On motion of Mr. Norvell,

Resolved, That the committee on the judiciary inquire into the expediency of reporting a bill at as early a day as practicable, suspending all laws now in force in this State, for the collection of debts for the period of ninety days.

Mr. Defrees offered for adoption the following preamble and resolution :

Whereas, great efforts have been made, to induce the people to believe that gross mismanagement of the public funds of this State, has been committed by the various agents employed in the management thereof :

And, whereas, a proper respect for public opinion demands that an examination of all and singular, the transactions of the various agents who have controlled the sale of State bonds and the construction of public works, should be made as speedily as possible, to ascertain if such mismanagement has occurred, and, if so, to adopt the proper remedy : Therefore—

Resolved, That this House will examine at its bar, under oath, all such persons as now are, or heretofore have been members, of the board of fund commissioners, or members of the board of internal improvements, and the president of the State bank, concerning their action in the sale of State bonds, and in the expenditure of the public money.

Resolved, also, That for this purpose the Speaker cause writs of subpoenas to be forthwith issued, requiring the attendance of all the above persons at the bar of this House at such time as he may think proper, and that he inform the House of his proceedings herein.

Resolved, That a select committee consisting of five members, be appointed by the Speaker to prepare a series of interrogatories to be propounded by the Speaker to the different persons contemplated in the foregoing resolutions.

Mr. Hannegan moved to strike out said resolutions from the resolving clause, and insert in lieu thereof, the following resolutions:

Resolved, That a select committee of nine members be appointed to investigate the transactions of the different agents, heretofore authorised by the State of Indiana, to effect loans, and to dispose of bonds on behalf of the State: that said committee be directed to ascertain and report the manner in which those loans have been effected; the terms upon which they were negotiated; the periods at which the sales of such bonds occurred; the names of the persons to whom they were sold or otherwise disposed of, and by whom sold or disposed of; together with all other matters relative to, or connected with the subject; and that said committee have power to send for persons and papers. And be required to report to this House all the evidence detailed before them.

Resolved, That said committee shall extend their investigations to the conduct and transactions of all officers and agents, in any manner connected with the system of internal improvement in the State of Indiana.

Resolved, That said committee during such investigation, shall sit with open doors.

In accordance with the first, the Speaker announced the following gentlemen as said committee.

Messrs. Hannegan, Defrees, Simonson, Marshall, Brown of Marion, Davis of F., Brown of D., Ritchey, and Cooper.

Mr. Bradley moved to strike out so much of the proposed amendment as related to the investigation of the conduct and transactions of all officers connected with the system of internal improvement not engaged in raising or disbursing public moneys.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Bradley, Clements, Defrees, Deming, Ellis, Goodhue, and Grover—7.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clark, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Davis of S., Devin, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Percy, Poulson, Proctor, Rand, Rannalls, Rawlings, Reed, Ritchey, Robinson of C., Robinson of R., Rooker, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of F., Thompson of N., Tisdell,

Townsend, Wariner, Whight, Williamson, Wines of A., Wines of V., Yocum, and Mr. Speaker—87.

So the amendment to the amendment did not prevail.

The question recurring on Mr. Hannegan's amendment, and the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gilbert, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neal, Peak, Percy, Poulson, Rand, Ritchey, Robinson of Rush, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Whight, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Grover, Hackleman, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Rannells, Rawlings, Read, Robinson of Rush, Rooker, Runyon, Saffier, Saunders, Sinks, Stratton, Townsend and Williamson—43.

So the amendment was adopted.

Mr. Brown of Marion moved to strike out the preamble to said resolutions.

Which motion prevailed.

The question recurring on Mr. Hannegan's amendment, and the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAlister, Meeker, Millikin, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Percy, Poulson, Proctor, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Car-

roll, Robinson of Rush, Rooker, Runyon, Saffier Saunders, Sayler, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Williamson, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—98.

Mr. Montgomery asked and obtained leave to introduce bill No. 1.

On motion of Mr. Henley,

The rules were suspended and the bill read a second time.

Mr. Ritchey moved to suspend the rules and read the bill the third time, when,

On motion of Mr. Cooper,

It was committed to the committee on ways and means.

On motion of Mr. Cooper,

Resolved, That the House of Representatives will, on Friday the 10th inst., at 10 o'clock, A. M., (the Senate concurring therein,) proceed to the election of Circuit Judges and Prosecuting Attorneys, to fill vacancies that have occurred by resignation or otherwise, except the 8th Judicial Circuit.

Mr. Goodhue offered the following resolution:

Resolved, That the sergeant-at-arms is hereby directed to contract with the Editors of the Indiana Journal and of the State Sentinel for 2 copies for each member and officer of the House, of the tri-weekly Journal and Daily Sentinel, at a price not exceeding seventy cents per copy, for the use of the members of this House, during the present session.

Mr. Shoup moved to lay it on the table,

Which motion did not prevail.

Mr. Shoup then moved that said resolution be indefinitely postponed.

Which motion did not prevail.

And then the resolution was adopted.

Mr. Whight moved to reconsider said resolution.

Mr. Myers moved the previous question,

Which was not carried.

The question on reconsidering the foregoing resolution was then taken.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Cogswell, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Graham, Hoobler, Hutton, Hendricks, Lee, Leslie, Marsh, Marshall, Meeker, Milliken, Montgomery, Nelson, Peak, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Sayler, Shoup, Snook, Stratton, Thompson of Noble, Whight and Warriner—42.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cooley, Coon, Deming, Ellis, Goodhue, Gorman, Hannegan, Henley, Hackleman, Hodges, Howard, Lawrence, Lingle, Matheny, May, McAlister, Mitchell, Monroe, Murray, Myers, Norvell, Ogden, O'Neal, Percy, Poulson, Proctor, Rand, Rannells, Ritchey, Runyon, Saffer, Saunders, Shively, Simonson, Sinks, Snoddy, Thompson of Fayette, Tisdale, Townsend, Williamson, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—55.

So the resolution was not reconsidered.

A message from the Senate by Mr. Maguire, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein,) proceed at two o'clock this afternoon to the election of a President Judge for the seventh judicial circuit; and also, Prosecuting Attorneys to fill the several vacancies which have occurred since the last session of the General Assembly, except in the 8th Circuit.

Mr. Shoup moved the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of authorizing the State Treasurer to redeem the outstanding Treasury notes after the first of April next, with an issue of \$5 notes.

On motion of Mr. Henley,

The resolution was amended by striking out the proviso in it.

On motion of Mr. Wines, of A.,

It was further amended by including in said redemption, \$10 land certificates.

Mr. McAlister asked and obtained leave to introduce bill No. 2.

The bill was read a first time, and the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

On motion of Mr. Matheny,

Resolved, That the committee of Ways and Means be directed to inquire into the expediency of repealing the revenue law approved Feb. the 12th, 1841, and report by bill or otherwise.

Mr. Robinson, of C., offered the following resolutions:

Resolved, That the committee of Ways and Means be instructed to

inquire into the expediency of reducing taxation so as only to meet the ordinary expenses of Government.

Resolved, That the said committee further inquire into the expediency of offering to the creditors, all or any of the public works at cost, receiving our bonds at par as payment, and the work or works thus disposed of, to revert to the State whenever their cost and interest shall be paid from the proceeds of the works, or otherwise by the State.

Said resolutions were not adopted.

Mr. Cogswell moved to reciprocate the Senate's resolution to go into the election of Circuit Judges and Prosecuting Attorneys.

The House refused to reciprocate it.

The Speaker laid before the House a report from the Superintendents of the State Prison, which was referred to the committee on the State Prison.

The Speaker laid before the House a communication from the Hon. John Dumont, covering a report in relation to county Seminaries.

Referred to the committee on Education.

The Speaker laid before the House, the following message from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
December 8th, 1841. }

Gentlemen of the House of Representatives:

Isaac H. Kiersted is authorized to bear communications from the Executive Department to either branch of the General Assembly.
SAM. BIGGER.

The Speaker laid before the House the following communication from the Governor, covering reports from the branches of the State Bank of Indiana.

EXECUTIVE DEPARTMENT, }
December 8th, 1841. }

The Hon. J. W. Davis,

Speaker of the House of Representatives:

SIR:—Please lay the enclosed before the House over which you have the honor to preside.

I am yours, most respectfully, SAM. BIGGER.

On motion of Mr. Robinson, of C.,

Resolved, That the committee on the Judiciary be and is hereby requested to frame and report to this House, a bill abolishing imprisonment for debt in all cases, both present and in future, *except in cases of fraud*, proven by oath or affirmation.

And, also, to inquire into the expediency of passing a law enabling a creditor to garnishee debts due from third persons to the debtor, as in cases of attachment, although the debtor has not absconded.

On motion of Mr. Bradley,

Resolved, That the committee on the Canal and Internal Improve-

ments be instructed to inquire into the expediency of obtaining from the Government of the United States, the right to relinquish certain lands in this State heretofore selected as Wabash and Erie Canal Lands, and which, at the time of said selection, were settled and improved by any person or persons, with intent to preempt or purchase the same, and to make other selections of other unoccupied or unsettled lands in their stead.

Mr. Cooper offered the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the 18th section of an act prescribing the duties of county Treasurers, approved Feb. 12th, 1841, as charges 10 per cent. as a penalty on all sums due as taxes, if not paid by the 25th day of Dec. in each year.

Said resolution was not adopted.

On motion of Mr. Dunbar,

Resolved, That the Secretary of State be requested to inform the House of Representatives, at his earliest convenience, of the number of copies of the Laws of Congress which are annually transmitted to this State from Washington City. And also, what disposition is made of them when they arrive at Indianapolis—whether they are distributed through the State, or remain at the seat of Government—and if distributed, to inform the House to what places, and in what proportions they are sent; and if not distributed now, at what time the last distribution, if any such there has been, was made.

On motion of Mr. Milliken,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing imprisonment for debt.

Mr. Dunbar gave notice that he intended on to-morrow to move the following as an amendment to the Standing Rules of the House:

When a petition is presented, a resolution offered, or a bill introduced by a member, and the same is referred to one of the Standing Committees of the House, the member by whose agency such petition, resolution, or bill is brought before the House, shall be a member of such standing committee during the investigation of that particular subject.

Mr. Meeker offered the following resolution:

Resolved, That the committee on Public Expenditures be requested to inquire into the expediency of reporting a bill to this House reducing the pay of members of the General Assembly to two dollars per day.

Which resolution was not adopted.

Mr. Clements asked and obtained leave to introduce Joint Resolution No. 2, which was read a first time, and ordered to a second reading.

Mr. Brown moved to suspend the rules and read a second time.—Lost.

On motion of Mr. Gorman,

Resolved, That the committee on Education be instructed to inquire into the expediency of repealing so much of an act entitled, An act

regulating the salaries of Auditor, Secretary, and Treasurer of State, approved Feb. 4th, 1841, as provides for the payment of four hundred dollars of the Auditor and Treasurer, salaries out of the College or Loan office fund; and whether such law is not a palpable violation of the compact between the Government of the United States and the Territorial Convention of 1816.

Mr. Wines, of A., asked and obtained leave to introduce a bill No.—to create the 12th Judicial Circuit—which was read a first time. The rules were suspended, and the bill read a second time.

On motion of Mr. Henley,

It was referred to the Judiciary Committee.

On motion of Mr. Chapman, of H.,

Resolved, That the committee of Ways and Means be requested to inquire into the expediency of repealing the sixteenth section of the law prescribing the duties of county Treasurers, and report by bill or otherwise.

Mr. Milliken offered the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending "An act prescribing the duties of county Treasurers" that it be made their duty to appoint one deputy collector for each township in their respective counties.

Which resolution was not adopted.

On motion of Mr. Hackleman,

Whereas, Doubts exist as to what course is to be taken by Justices of the Peace in cases which have been stayed before them, where the judgment debtor dies previous to the collection of the judgment—whether a *scire facias* can issue or not, or whether the judgment creditor is compelled to proceed against the administrator of the decedent, Therefore,

Resolved, That the Judiciary committee be instructed to so amend the act regulating the jurisdiction of Justices of the Peace, as to point out clearly the course to be pursued by Justices of the Peace in such cases, and the remedy of the judgment creditors.

On motion of Mr. Thompson, of F.,

Resolved, That the committee of Expenditures be requested to take under consideration the expediency of a reduction of per diem allowance of Members; and also, of annual salaries of all officers now officiating in this State, whose compensation is subject to the control of this Legislature, and to report by bill or otherwise.

Mr. Townsend offered the following resolution:

Resolved. That a select committee be appointed to inquire into the expediency of so amending the laws in relation to interest on money, that 6 per cent. per annum, be the maximum allowed.

Which was not adopted.

On motion of Mr. Ritchey,

Resolved, That the committee on Judiciary be instructed to inquire into the expediency of so amending the laws in relation to the Surplus Revenue, as to authorize the several county agents to dispose of any real estate which the State of Indiana may have acquired in conse-

quence of the foreclosure of mortgages to the agents of said revenue.

On motion of Mr. Shoup,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the 18th section of the act pointing out the mode of levying taxes, approved Feb. 12th, 1841, so as to embrace incorporations only.

The Speaker laid before the House the following communication from the Governor, covering certain resolutions from several of the States.

On motion of Mr. Henley,

It was referred to committee on Federal Relations.

EXECUTIVE DEPARTMENT, }
December 8th, 1841. }

To the Hon. J. W. Davis,

Speaker of the House of Representatives:

SIR:—I have the honor to enclose sundry resolutions received from the Executives of other States, which you will please lay before the House over which you preside. As follows:

1st. Resolutions of the Legislature of Maine, on the subject of the North Eastern Boundary.

2d. Resolutions of the General Assembly of Rhode Island on the subject of French spoliations.

3d. Resolutions of the Legislature of Maryland, on the subject of fugitives from justice.

I am, Sir, most respectfully, your obedient servant,

SAM. BIGGER.

Mr. Brown, of D., presented a petition from John Pratt, of Rising Sun.

Referred to the committee on Roads.

Mr. Gorman offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the 48th section of the act regulating the duties of Justices of the Peace, as follows: "Providing that when an execution issues on a judgment previously replevied, that said execution shall issue against the security and judgment defendant jointly, without first issuing a *scire facias* against the security.

Which resolution was not adopted.

Mr. Whight offered the following resolution:

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of repealing that part of an act, entitled "An act for the better regulation of the Militia of the State of Indiana, approved Feb. 24th, 1840," which exempts all white male inhabitants of this State from performing active military duty, who are above the age of thirty and under the age of forty-five years; with leave to report by bill or otherwise.

Said resolution was not adopted.

On motion of Mr. Ogden,

Resolved, That the committee on Roads be instructed to inquire into the expediency of so amending the law on the subject of Roads, as to prescribe the method of proceeding in cases where application is made for the location of a road upon the line between two counties; but when the nature of the ground is such that it may be necessary to locate such road through portions of both the adjoining counties.

Mr. Devin presented a petition from J. Montgomery,

Which was referred to the committee on corporations.

On motion of Mr. Ritchey,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing an act, approved February 15th, 1841, entitled, "an act to amend an act approved Feb. 6, 1837, entitled an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 3d, 1836."

Mr. Sayler presented a petition from Nathaniel Kirk:

Referred to a select committee of Messrs. Sayler, Cogswell and Chrisman.

Mr. Whight presented a petition of F. F. Sawyer and others,

Which was referred to the judiciary committee.

Mr. Ritchey presented the petition of Thomas Alexander and others,

Which was referred to the judiciary committee.

Also a petition from Fanny Howard, asking for a divorce,

Which was referred to a select committee composed of Messrs. Ritchey, Matheny and Townsend.

Mr. Norvell, on leave being granted, introduced a bill,

No. 5—To prevent the amalgamation of blacks and whites;

Read a first time and passed to a second reading.

On motion of Mr. Hackleman,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of exempting the land of Revolutionary soldiers to the extent of 160 acres from taxation.

On motion of Mr. Wines of Allen,

Resolved, That the committee on Education be instructed to inquire into the expediency of providing by law for concentrating all moneys heretofore received by the several townships throughout the State, and hereafter accruing from the sale of the sixteenth or school section into one common fund, for educational purposes.

On motion of Mr. Mitchell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the sixth section of the act approved January 13th, 1831, entitled, an act concerning proceedings in ejectment, and for the relief of occupying claimants of land, so as to confer upon the occupying claimant the right to choose whether to accept payment for the improvements, or pay the successful claimant the value of the property without the improvements.

On motion of Mr. Clark,

Resolved, That a select committee of five be appointed by the chair to inquire into the expediency of appointing an agent to negotiate with the State of Kentucky for the cession of Green River Island to the State of Indiana.

Mr. Cogswell asked leave of absence for Mr. Chrisman,
Which was granted.

Mr. Bradley moved to reconsider the vote on Mr. Ritchey's resolution in regard to the Surplus Revenue.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Clark, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Goodenow, Graham, Grover, Hackleman, Hodges, Lee, Marshall, Meeker, Mitchell, Montgomery, Murray, Rannels, Rawlings, Reed, Robinson of Rush, Runyon, Saunders, Sinks, Stratton, Tisdale, Williamson, Wines of Allen and Wines of Vigo—39.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Butler, Chapman of Hancock, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Foley, Garrigus, Goodhue, Gorman, Hannegan, Hendricks, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, McAlister, Milliken, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Rooker, Saffer, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Whight, Yocum and Mr. Speaker—54.

So the House refused to reconsider.

Mr. Saylor presented a petition from William Seawright and others;

Referred to the committee of ways and means.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING, DEC. 9, 1841.

The House met pursuant to adjournment.

Petitions were presented

By Mr. Bowers, from citizens of Ripley county, praying a reduction of taxes, fees, &c.,

Referred to a select committee of Messrs. Bowers, Saunders and Howard.

By Mr. Robinson of Carroll, from certain citizens of Carroll county, praying relief,

Referred to the committee on military affairs.

By Mr. Wines of Vigo, of certain citizens of Vigo, in regard to the jurisdiction of magistrates;

Referred to a select committee consisting of Messrs. Wines of Vigo, Hodges and Garrigus.

By Mr. Clements, from citizens of Daviess, two several petitions on subjects therein named;

Referred to the judiciary committee.

Also another from citizens of Daviess county;

Referred to the committee of ways and means.

By Mr. Davis of Floyd, from Fisher A. Wilder and others, on the subject of the Greenville Band;

Referred to select committee of Messrs. Davis of Floyd, Edwards and Lingle.

Also one from the Board of Directors of the New Albany Bank;

Which was referred to the committee on the State Bank.

By Mr. Lee, from citizens of Posey, praying the repeal of the law authorizing a Board of Equalization;

Referred to the committee of ways and means.

By Mr. Yocum, from citizens of Clay county on the subject of a State road;

Referred to committee on roads.

By Mr. Saffer, of James M. Ruthly, on a subject therein named;

Referred to the committee on claims.

By Mr. Gilbert, of James Slack and others, on the subject of an incorporation;

Referred to a select committee of Messrs. Gilbert, Brown of Marion and Rooker.

By Mr. Wines of Allen, from certain members of the bar, &c., in Lagrange county, on the subject of increasing the term of the circuit;

Which was laid upon the table.

By Mr. Goodhue, from certain citizens of Jennings county, on a subject therein named;

Referred to the judiciary committee.

By Mr. Defrees, of Jesse Frame and others, on the subject of restricting the jurisdiction of justices of the peace;

Referred to the judiciary committee.

The Chair laid before the House a communication from the Governor, covering the following report of the Visiter of the State Prison, Which was referred to the committee on the State Prison, and 300 copies ordered to be printed.

BROWNSTOWN, SEPT. 4th, 1841.

To His Excellency, SAMUEL BIGGER:

SIR — Agreeably to the provisions of the law on that subject, and under the authority of my commission from you, as Governor of the State of Indiana, appointing me Visiter to the State Prison, I made my first visit on the 9th, 10th, 11th and 12th June ult., which was at the close of the superintendency of Messrs. Patterson and Hensley.

I am constrained to say, that I did not find the institution under as good a state of management as the dignity and interest of the State, and the laws of humanity, as well as the object of the Penitentiary system would demand. As this report is only intended to give you some information on the subject, and not requiring any particular action, and as I intend to make my next report (which you will lay before the Legislature,) very ample, upon which, I shall suggest some legislative action, I therefore confine this report to some general remarks.

Firstly. The prison has been under the superintendency of two individuals who have been for a length of time at bitter enmity towards each other, the effect of which has been a division of the prisoners between them, and a separation of all their interests, and consequently a perfect degradation of all the interests of the Institution. Mr. Hensley, from information derived from the guards and the prisoners, has not been in the prison but once since February last. His hands all work out of the prison, principally at brick-making, and are taken out and brought back to the prison by his guards or managers, and after they are turned in, there is no more attention paid to their discipline or government, till they are taken out again or put into their cells. They talk and swear, and lampoon one another, like men of the same class running at large. Their food is corn bread, baked in large loaves, and bacon, frequently not very good, sometimes cooked, and sometimes each one cuts and cooks as he can catch it. This they have morning and noon, and at night they have bread alone. They have no vegetables, and sometimes (from the testimony of themselves,) no meat for two weeks at a time.

They are clad in coarse tow linen, shirt and trowsers, generally very ragged and dirty, many could not hide their nakedness, and many had not shifted their clothes for six weeks. All the apartments, cells, eating rooms, and all, are intolerably filthy and crowded. Sometimes two or three lodged together in one cell—four or five of Mr. Hensley's hands were sick, and some complained bitterly of having to mould 4,000 brick per day. Some of those who complained

I examined, and thought them too sick to work. They are put into the cells on Saturday night, and kept there till they are brought out on Monday morning to work, with the exception of a few minutes to eat. But few have bibles, and not many of them can read them. The sick have pretty good medical attendance, but poor nursing. Their kitchen is their dining room and hospital, and cart loads of dirt and fleas in it to add to their comfort. These are the outlines of Mr. Hensley's government.

Mr. Patterson's management is the same, with the following difference: He and his guards are generally about the prison, and he manages in person. He works part of his hands at brick making and laying, hauling and delivering; sends them to Louisville, some work on a farm, some carpenters, some work in the prison at tailoring, wagon-making, coopering, blacksmithing, &c. His hands inform me they get plenty of meat and corn bread, and sometimes vegetables. He attends a little more to the cleanliness of his hands, and he also clothes them better. The prisoners are generally tasked in their work, and are paid for their extra work, with which they buy sugar, coffee, and whiskey, and frequently get drunk.

The punishment practised is whipping, which is, within proper limits indispensably necessary; but I would suggest that a proper and regular discipline be established, and rigidly and uniformly enforced, and I apprehend there will then be much less necessity for severe corporeal punishment, which should always be proportioned to the magnitude of the crime. There is not much chivalric feeling among the inmates of a penitentiary, that we should shoot them in preference to corporeal punishment, and I am satisfied we shall find more Sancho Panzas than Don Quixots among them.

I will now make a few remarks on the change made by the last legislature in the management of the penitentiary, upon which I hope you will bestow a few reflections before the meeting of the Legislature, when I shall make a more ample report, and if any thing should occur to you that you might think proper for me to attend to in that report, I shall be happy to receive a communication from you on that subject.

The prison now occupies an area of nearly one acre; 100 feet wide and 400 feet long, and this is all that can be added to it in its present location, excepting a small triangular lot, which joins it on the north; consequently to add that to the prison area, or space, it could not be made available without removing all of the prison buildings.

Secondly. The number of convicts now amount to 113, and they have doubled in ten years; consequently in ten years more, they will amount to over two hundred; and to construct the necessary shops, cells and other buildings authorized by the last Legislature, sufficient to work the present number of prisoners within the prison, it will occupy the whole space, without any yard, and the prison must become a common sink of pestilence, and before ten years would roll around, it would be revolting to humanity, and a nuisance to community, and no superintendent who regarded his own safety or comfort,

could be had to take charge of it—and so crowded, filthy, illy-constructed a place; is now a disgrace to the State, but to prosecute the present plan it will be ten times more opprobrious than now. Therefore let no further improvements be made here, but let it be contracted to good men, to relocate it in the vicinity of Jeffersonville, with 15 or 20 acres of ground, and an ample and convenient prison enclosure, with proper buildings, so arranged as to be enlarged from time to time, as necessity may require. There are men who will take it for ten years, and complete the plan I have mentioned—but to persevere on the present plan, in ten years we shall have no prison or prison funds.

Respectfully, your obedient servant, &c.,

S. WORT.

BROWNSTOWN, NOV. 25th, 1841.

To his Excellency SAMUEL BIGGER:

SIR—I have the honor of reporting to your Excellency, and to the Legislature, the result of my second visit to the State Prison, in the discharge of my duty as Visiter to that Institution.

I made my second semi-annual visit, from the 12th to the 19th inst. My first visit was made on the 14th June last, and I am happy to have it in my power to say, that very great improvements have been made since my first visit, in the discipline and management of the concern, and I may probably add, that it is now as well managed as the present miserably constructed establishment will admit of. The convicts are worked tolerably hard, though I do not think unreasonably so. The different branches of labor performed now have not been materially changed since the new arrangement, or since the change of Superintendents took place on the 14th of June last. They are employed in blacksmithing, coopering, wagon-making, tailoring, shoe-making, carpentering, brick-making and laying, chopping wood, wagoning, &c.

There are usually from twenty to thirty hands worked within the prison, at the various mechanical branches, and the balance are worked out at various kinds of labor. They work very constantly and tolerably fast from daylight till dark, with the exception of from ten to twenty minutes, three times per day, occupied in eating. Their clothing consists (in the summer) of coarse tow linen shirt and trowsers, shoes and a woollen cap; and in winter, tow linen shirt, linsey trowsers and roundabout, shoes and stockings, and cap. These are kept tolerably whole and as clean as the nature of their employment and other cir-

cumstances will permit. They put on clean linen clothing every Sunday morning, and they are compelled to keep their apartments much cleaner than they did formerly. They are also compelled to be more particular in keeping their persons clean.

Their diet consists principally of corn bread baked in large loaves, (which is an excellent article of the kind) and boiled meat, and when the meat is fresh, such as beef and mutton, an excellent soup is made, thickened with corn meal, and sometimes with beans, potatoes, turnips and onions. Owing to the complaints of the prisoners, that they did not get enough to eat, I procured from Dr. Columar, the clerk to the Institution, a bill of provisions consumed by the convicts, (who would average about 118 persons for five months, from the 14th of June till the 14th of November) which is as follows: 18,231 lbs. bacon, 5,944 lbs. beef and mutton, 3 bbls. molasses, 5 bbls. vinegar, 4 bbls. sugar, 1 sack coffee, 1 bbl. flour, 15 bu. wheat shorts, 39 bu. beans, and 480 bu. corn meal, a few potatoes, turnips and onions.

You will perceive, from the above bill, that the amount of meat would average 14 lbs. per day to each individual, and secondly that it equals in weight all the balance of the food consumed. Now, when I reflect that the convicts work hard from daylight till dark, except the few minutes allotted them to swallow their food, half masticated; then swallow from one to three pounds of meat, with little or no vegetable diet, except bread, and as soon as they swallow the last meal at night, they are turned, two together, into small cells, constructed for one person, during the hot, sultry season, and no other ventilation than a hole two inches square through a door five inches thick, and this only opening into a close confined passage; I was not at all astonished to learn that since June their sick list has averaged from fifteen to thirty, and that ten of their number have died, and all from the same disease, viz: inflammation of the bowels, succeeded by inflammation of the spinal marrow, and of the lymphaticks of the pelvic region, producing painful swellings of the feet and legs, and death.

The scarcity and high price of potatoes, (which should constitute a large item in their diet) has entirely excluded them from their use during the present season, which points out the great necessity of having attached to the prison, at least ground enough to raise their own vegetables.

They have Preaching every Sunday forenoon, which lasts from a half to three-fourths of an hour: but there is no system of instruction, or Sabbath School established. They are mostly furnished with Bibles, though not uniformly so: and indeed it would only be mockery for them to be furnished with books, for they are confined in those dark miserable cells all the time, except while at work, eating, or attending preaching. The cells must be differently constructed to allow them the privilege of reading on Sunday, or while confined in them. Each individual is furnished with two blankets, and arrangements are making to convert one of them into a comfort, by lining it with tow linen, and stuffing it with batted cotton.

Whipping is the only punishment practised, and the only one which would be practicable in such an institution: and the amount of flogging is commensurate with the character of the crime for which they are whipped. Many of them (as I anticipated when a rigid discipline should be adopted) complain

bitterly of too much and too severe whipping: but from the best information and observations I could make, I am inclined to think their complaints groundless. I think that the idea advanced to the last Legislature by the late Visitor, that shooting would be a more appropriate punishment than whipping, because the American character was insulted by that humiliating mode of punishment, is quite Quixotic, in relation to the inmates of a Penitentiary, when the object of their confinement is humiliation and debasement. I am willing to exclude so degrading a punishment from our Army and Navy, but it is certainly the most appropriate punishment that can be adopted among the convicts in a State Prison.

There is no appropriate apartment to be occupied as a Hospital, therefore the sick, which amount at this time to fifteen, are kept in the room occupied as a Tailor and Shoemaker's shop. They have no cots furnished to lay on, and very little other convenience for sick persons: and I am compelled to say that the provision for medical attendance, made by the last Legislature, was rather parsimonious. It provided for the appointment of a Physician to the Prison, with a salary of \$300: making it his duty (I think) to visit the prison daily, and examine the state of health of its inmates, and give all necessary attendance on the sick, and furnish proper medicines: and after all this, to make a lengthy monthly report to the Governor, of the health and other conditions of the Institution. Now from what I could learn, and taking my own judgment on the matter, \$300 would be but little more than enough to furnish the establishment with proper and sufficient medicines: for the amount of sickness they have had for the past year, which has been comparatively a healthy year, for the large amount of sickness must be fairly attributed to circumstances exclusively connected with the condition of the Prison, and the treatment of the convicts. This being the case, I was not surprised to find the Dispensary so miserably deficient in medicines, so much so, that I should think it impossible to prescribe with any degree of safety to the sick in the hospital, unless I possessed Dr. Buchanan's magic power, of curing all diseases by the influence of Animal Magnetism.

I do not design throwing any censure on Dr. Merriweather, who is Physician to the Prison, yet I am satisfied that there is a great deficiency in the stock of medicines to meet all the indications, and treat all the symptoms of so very obscure and complicated a disease as that which has inhabited the State Prison Hospital during the past season: but at the same time, I know the Physician could not feel himself justified to furnish such medicines, and do the other service required, for the sum of \$300. This matter, therefore, as well as what I before stated to be the causes of their sickness, imperiously demands the consideration of the Legislature: and I beg leave to suggest the proper remedy to be, for the State to furnish the Dispensary with medicines, which I know to be the practice in some Prisons: Secondly, to provide that the prisoners be fed less meat, and more vegetables, and that they be allowed in meat, and have as much bread, soup, and vegetables as they can eat: that in the construction of new cells, there be a sufficient number for the prisoners to be lodged separately, and that the doors of the cells be made of cast iron-lattice-work, with wrought-iron cross-bars riveted to the cast-iron, leaving the whole front of the cells an open net work, which will give sufficient ventilation, and light by which they may read while confined in them.

The prisoners are not permitted to use any profane language, or to hold any conversation with each other, only as far as their business or employment may require. Their dress is uniform, as I already stated.

Each one has a chain fastened to one leg, and their head shaved: they are compelled to keep themselves cleanly washed and shaved. They are not permitted to ask for anything at the table: each one has his station allotted him at the table, and he does not change it: each one has a tin dish, knife and fork, and a spoon, furnished to eat with: their plates or dishes are all furnished before they set down: they come to the table and leave it at the ringing of a bell: when they want bread, they hold up their hand, and for soup, they hold up their spoon, and a waiter furnishes them. When they have soup, (which should be uniform and daily,) there should be at least three attendants, so that they may not be idle during the little time allotted them to eat. At present, there is but one to attend the whole number with soup, and he takes it in regular turn round the table, therefore the person at the last end of the table is half his time idle, and consequently has to leave the table unsatiated. This is a small matter, yet important to the poor fellow at the foot of the table.

The number of prisoners on the 14th of June, when Messrs. Pratt & McDougal took charge of the establishment, was 112—since which time they have received 40, and 2 have escaped: 4 have been pardoned: 10 have died: and 12 have served out their time of confinement—leaving 124 now in the prison. This gives an increase of 12 in five months, notwithstanding the escapes, deaths and pardons.

Permit me to draw the attention of the Legislature to the rapid increase of convicts, which will reasonably continue, if we take a prospective view of the rapid increase of population of our State: the character of a population drawn here by our system of Internal Improvements: our location bordering on the great thoroughfare of the West: and the rapid improvement in the science of crime, produced by the wealth, idleness and luxury of an old settled and commercial country, not known to a new and agricultural country—with a strong probability of the abolishment of capital punishment—all these causes will conspire to increase the number of Penitentiary inmates. Unite this view of the subject with the law of last year, requiring the prisoners to be worked exclusively within the prison at mechanical pursuits—and then compare all this with the location, size, and construction of the present prison, which is located in an incorporated town, bounded by streets which cannot be vacated, and on a tolerably steep declivity, occupying an area of one acre, 150 feet wide, by 400 feet long: and the citizens of the Town so strongly opposed to the institution that they encourage the prisoners to escape, and prosecute citizens for apprehending them: and finally do every thing in their power to harrass and thwart all the objects of the establishment. With the exception of a new work-shop built, or rather removed recently from the enclosing wall of the prison to the centre of the area, which is a well constructed building, all the balance of the buildings must be rebuilt, or remodeled: and in fact to take the whole establishment throughout, it is opprobrious and unprofitable to the State, and must forever remain so till we make a new beginning. Common sense will at once dictate to you the impracticability of constructing, upon an area of

100 feet by 400, cells, office, work-shops, cook-houses, store-houses, hospital, &c., and working the present number of prisoners within the prison limits—agreeably to the law of the last Legislature—to say nothing of the prospective increase. From these considerations, I would suggest the propriety of re-locating the prison, without expending any thing more on this old establishment: and the labor of the convicts will be all-sufficient (with proper management and direction) to accomplish the enterprise within the fifteen succeeding years, and probably in ten years. It will probably require some present aid from the State, which will be fully remunerated at the extent in fifteen years: and we shall then have an establishment which will be an honor to the State, and yield a handsome income to the Treasury, (if profit be the object.)

In making the new location and constructing the new buildings, the object of pursuit should be well matured: and the extent of territory should be commensurate with the objects of pursuit, but it should in no wise be located without having from four to five acres of prison enclosure, and from 20 to 30 acres for the prisoners to raise their own vegetables: and it would be well for the Legislature to possess herself of the objects and views of large meetings, and petitions of the citizens of New York, petitioning their Legislature to employ the convicts exclusively at agricultural pursuits. I would propose to your consideration the propriety of removing it towards the central part of the State, and procure lands sufficient to employ the prisoners at raising their own provisions, and raising hemp, and manufacturing the same into bale-rope and bagging—also, getting into the vicinity of knobs, abounding in good tan bark, and prosecuting the tanning, and manufacturing the leather into shoes, saddlery, &c.

If this plan should meet with favour, I presume arrangements could easily be made with the present Superintendents, after the State would select and purchase the location, and (for two or three years) make some advancement to enable them to prosecute the work. To complete the whole work, and reimburse the State Treasury in less than fifteen years, and have an establishment which would be both honorable and profitable to the State, and which would much better subserve the object of the Penitentiary system.

I submit the foregoing remarks to the wisdom and dignity of the Legislature, with the fullest confidence that they will be governed in their deliberations on this important matter, by a spirit of liberality, political economy, and State pride, and a sense of benevolence, humanity and sympathy, towards a miserable, depraved class of fellow-beings: whose natural depravity and surrounding circumstances, or contingencies, have subjected them to this misfortune and degradation: and for whom our Penitentiary system was adopted, not so much as a means of revenge, or to add misery to misery, misfortune and degradation, as to correct their dissolute habits, inure them to labour and industry, discontinue their evil associations, and humble and subdue a stubborn, uncultivated, or unmastered disposition: and adopt the best means to effect this object.

I have the honor to be your obedient servant, SAMUEL WORT.
Visiter to Indiana State Prison.

Mr. Cooley presented a petition of A. M. McClure, praying for a divorce;

Which was laid upon the table.

By Mr. Gilbert, of citizens of Delaware county, asking legislative interference in regard to fees charged by publishers of newspapers for legal notices.

The Chair laid before the House reports of J. Ingle, Prosecuting Attorney, in relation to Seminary fund in Perry county;

Also one in relation to Seminary fund in Crawford county;

Referred to the committee on Education.

By Mr. Murray, from citizens of Huntington county, on the subject of a State road therein named.

Referred to the committee on roads.

By Mr. Goodhue, from citizens of Jennings county, on the subject of altering a certain State road;

Referred to the committee on roads.

Mr. Henley, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means to whom was referred bill No. 1, entitled, a bill to repeal certain laws therein named, have considered the same according to order, and have directed me to report the same back to the House with one amendment, in which I am instructed to ask its concurrence, and recommend the passage of the bill.

The amendment was concurred in, and the bill read a second time.

Mr. Henley moved that the bill be read a third time now.

Mr. Defrees moved to lay the bill on the table.

The ayes and noes being demanded on this motion,

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Brown of Marion, Chapman of Laporte, Clark, Defrees, Devin, Foulk, Frink, Goodenow, Goodhue, Graham, Grover, Hackleman, Hodges, Howard, Lee, Marshall, Meeker, Milliken, Murray, Proctor, Rannells, Robinson of Rush, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale, Williamson and Wines of Allen—32,

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bradley, Brown of Dearborn, Chapman of Hancock, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Deming, Dunbar, Edwards, Ellis, Foley, Garrigus, Gilbert, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Poulson, Rand, Rawlings, Ritchey, Robinson of Carroll, Rooker, Saffer, Sayler, Shively, Si-

to this House the amount of expenditures made during the last year, in the improvement of the State-house and square, specifying particularly each item.

Mr. Davis of F. offered the following resolutions:

Resolved, That the committee on the State Bank be directed to examine into the condition of the affairs of the State Bank, and each Branch thereof, in the following particulars, to-wit:

1. The amount of notes in circulation on each Branch.
2. The amount of specie on hands at each Branch.
3. The amount of indebtedness of each Branch, other than notes in circulation.
4. Amount of assets of each Branch, other than specie on hands.
5. Whether any of the rules for the regulation of discounts, prescribed by the charter, have been violated at any Branch, and if any, which, and at what Branch.
6. Whether any of the directors of the State Bank, or any Branch thereof, holds an office under the General or State Governments, and if so, name the Branch, director, and office so held.
7. What dividends have been paid to the stockholders since the suspension of specie payments.

8. What amount of specie has been parted with by each Branch, since the suspension of specie payments, and for what purposes.

And that said committee, in prosecuting such examination, have power to send for persons and papers; and the chairman is hereby vested with power to issue all necessary process, to cause witnesses to come before the committee, and to administer all necessary oaths; and said committee are hereby directed to report the facts so ascertained by them to the House of Representatives.

On motion of Mr. Brown of M.,

Said resolutions were laid on the table.

Mr. Cooper offered the following resolution:

Resolved, That this House will, on Wednesday the 15th instant, at 2 o'clock, P. M., go into a committee of the whole, on the Governor's Message; which was not adopted.

On motion of Mr. Townsend,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reducing interest on all moneys loaning or to loan, from ten per cent. per annum, to six per cent. per annum, with leave to report by bill or otherwise.

On motion of Mr. Saylor,

Resolved, That the Treasurer of State be directed to report to this House the amount expended in the improvement of the treasury buildings, and the erection of other new improvements, specifying particularly, each item; and also, to report under what authority the same was made.

On motion of Mr. Bearss,

Resolved, That the committee of ways and means, inquire into the expediency of making treasury notes and canal certificates receivable

for interest due upon canal lands heretofore sold, or hereafter to be sold, and that they report by bill or otherwise.

Mr. Runyon offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing an act entitled, an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved February 17, 1838, and of establishing in lieu of the existing probate system, circuits, each having a judge, elected by joint ballot of the two Houses of the General Assembly.

Which was not adopted.

On motion of Mr. Leslie,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act entitled, an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved February 17, 1838, as to require the rents and profits for seven or more years, first to be offered, of all lands and tenements which may be ordered for sale by said courts, before the fee-simple shall be exposed, with leave to report by bill or otherwise.

On motion of Mr. Edwards,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill to this House suspending the further prosecution of the public works, known as the *general internal improvement system*, at the expense of the State: and that said committee be further instructed to report a bill granting to companies the privilege of prosecuting and finishing, at their own expense, any and all of the works contemplated in the system of internal improvements, upon which the State has already constructed a part. The State remaining a stockholder to the amount she has already expended in the construction of each of the said works of internal improvements; and the companies becoming stockholders to the amount they may necessarily expend in the prosecution and completion of said work or works. The State to have the controlling power so far as to prevent oppression to the people, or monopolies by the companies. And that so soon as said works, or any one of them, are completed and in operation, the State and the company or companies, are respectively to receive each their proportionable amount of the net profits arising from said work or works.

On motion of Mr. Runyon,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of requiring hereafter that all executions in capital cases shall take place within the walls of the prison, or in some other private manner; and also, to inquire into the expediency of abolishing capital punishment, with leave to report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on the Judiciary be instructed to report an amendment to the law regulating the duties of Auditor so as

to make it obligatory on the Auditor to transmit to the Clerk, a panel of the jurors drawn by the Board of Commissioners, to enable the Clerk to issue *venuries* thereon.

On motion of Mr. Hackleman,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the 5th section of the act entitled, "An act to amend an act, approved Feb. 6th, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23d, 1836;" approved Feb. 15, 1841—so that any borrower of the surplus revenue may have the privileges and benefits contemplated by that section, at any time, even after judgment rendered against him, by paying all costs that may have accrued.

Mr. Shoup offered the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the revenue law, so as to tax all professional Lawyers, Doctors, &c., with leave to report by bill or otherwise.

After various amendments being proposed, said resolution was laid on the table.

Mr. Ogden offered the following resolution:

Resolved, That the committee on Roads be instructed to inquire into the expediency of so amending the road law, as to exempt Ministers of the Gospel, who are regularly licensed, and who are engaged in their appropriate official duties to the exclusion of other occupations, from working on roads, except in the payment of a road tax on their real estate.

Which resolution was not adopted.

On motion of Mr. Clements,

Whereas, The laws now in force, allowing county Treasurers, Constables, and other officers, mileage or travelling fees, operates unequally upon the citizens of the several counties of this State, subjecting those who reside the greater distance from the county seats, to heavier burthens than those who reside nearer, and believing that all citizens should be subject alike to equal burthens, Therefore—

Be it Resolved, That the Judiciary committee inquire into the expediency of reporting a bill to accomplish the aforesaid object, and if, in their opinion, it is expedient, to report a bill accordingly.

The Speaker laid before the House, a report from branch bank at Terre Haute.

Referred to the committee on State Bank.

Also, a communication from the Governor, enclosing "New York Lyceum."

Referred to a select committee of Messrs. Hannegan, Robinson of Rush, Mitchell, Foley, and Shoup.

On motion of Mr. Defrees,

Be it Resolved, That John B. Dillon, Esq., have access to the State

Library, and to the archives of the State, during his stay in Indianapolis, for the purpose of acquiring facts to aid him in writing the early history of the State of Indiana, in which he is now engaged.

Mr. Myers introduced a bill, No. 7, to extend the time of holding Probate Courts in Knox county.

Read a first time and ordered to a second to-morrow.

ORDERS OF THE DAY.

Joint Resolution No. 2—Relating to the sale of property on execution.

Read a second time, and referred to the Judiciary committee.

Bill No. 4—In relation to jurisdiction of Justices of the Peace in Madison county.

Read a second time, and ordered to be engrossed.

Bill No. 5—In relation to the amalgamation of whites and blacks.

Read a second time, and referred to the Judiciary committee.

House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Meeker asked and obtained leave to introduce a bill, No. 8, providing for the prosecution of Internal Improvements;

Read a first time, and ordered to a second reading to-morrow.

A message from the Senate by Mr. Maguire, their Secretary.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolution of the House of Representatives, in relation to proceeding at 10 o'clock on Friday next, to the election of Circuit Judges and Prosecuting Attorneys, to fill vacancies that have occurred by resignation or otherwise, except in the eighth judicial circuit.

Messrs. Berry and Gregory are appointed tellers on the part of the Senate.

The Speaker laid before the House a communication from Milton Stapp.

Referred to Select committee on Investigation.

Also, a report from Indianapolis Branch Bank;

Referred to the committee on the State Bank.

On motion of Mr. Henley,

The resolution of Mr. ———, to go into Committee of the Whole on the Governor's message, was reconsidered.

The House then resolved itself into Committee of the Whole on the Governor's message, Mr. Henley in the chair, and after some time

spent thereon, the committee rose, and the Chairman reported the following resolutions to the House for its concurrence, to wit:

Resolved, That so much of the Governor's message as relates to our "Public Works," be referred to the committee on Canals and Internal Improvements.

Resolved, That so much of the Governor's message as relates to the Finances of the State, be referred to the committee on Ways and Means.

Resolved, That so much of the Governor's message as relates to the State's Prison, be referred to the committee on the State's Prison.

Resolved, That so much of the Governor's message as relates to the grant of land by the General Government, to enable the State of Indiana to complete the Wabash and Erie canal from the mouth of Tippecanoe to Terre Haute, be referred to the committee on Canals and Internal Improvements.

Resolved, That so much of the Governor's message as refers to the State Bank and Branches, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the State Library, be referred to the Joint Committee on the State Library.

Resolved, That so much of the Governor's message as relates to Education, be referred to the committee on Education.

Resolved, That so much of the Governor's message as relates to the State University, be referred to the committee on Education.

Resolved, That so much of the Governor's message as relates to a Lunatic Assylum, be referred to the committee on Education.

Resolved, That so much of the Governor's message as relates to the disposal of State bonds, be referred to the committee appointed to investigate the official acts of the Fund Commissioners.

Resolved, That so much of the Governor's message as relates to the suspended debt, be referred to the committee appointed to investigate the acts of the Fund Commissioner.

Resolved, That so much of the Governor's message as relates to the report of Noah Noble, Esq. (Fund Commissioner) be referred to the Select Committee to investigate the conduct of the Fund Commissioner.

The House then concurred, generally, in the foregoing resolutions.

The House then reciprocated the message from the Senate to go into the election of Judicial officers,

And Messrs. Monroe and Goodhue were appointed tellers on the part of the House.

The House proceeded to consider Mr. Dunbar's proposition to amend the rules,

When the mover withdrew his proposition.

Mr. Chapman of H., asked and obtained leave to introduce the following resolution—which was adopted:

On motion of Mr. Chapman, of H.,

Resolved, That the Judiciary committee be instructed to amend a

Joint Resolution relative to the sale of property on execution, (which has been referred to said committee) so as to embrace in its provisions the sale of lands mortgaged to the agents of the surplus revenue fund, sinking fund, saline fund, seminary fund, or other State funds.

The House then adjourned till to-morrow morning, 9 o'clock, A. M.

FRIDAY MORNING, DECEMBER 10, 1841.

The House met according to adjournment.

Petitions were presented by Mr. Wines of V., from sundry citizens of Vigo, on the subject of jurisdiction of magistrates.

Referred to same committee to which a similar petition on that subject was referred on yesterday.

By Mr. Brown of D., a petition of Stephen Ludlow, on a subject therein named.

Which was referred to the committee on canals and internal improvements.

By Mr. Robinson of C., of citizens of Carroll county, on the subject of cutting a mill-race; referred to a select committee of Messrs. Robinson, Saylor, and Grover.

By Mr. Lingle, the petition of William W. Smith and others, of Orange county, in relation to the Orange Guards; referred to the committee on corporations.

By Mr. Mitchell, of citizens of Elkhart county, on the subject of an alteration of a State road, therein named; which was referred to the committee on roads.

By Mr. Thompson of F., from citizens of Union county, in relation to a divorce; read and referred to the judiciary committee.

By Mr. Grover, of citizens of Cass, in relation to confining voters to the townships in which they reside; which was referred to a select committee.

By Mr. Clements, of Thomas Korrall and Sarah Korrall, for a divorce; referred to the judiciary committee.

By Mr. Rawlings, of citizens of Scott county, on a subject therein named; which was referred to a select committee of Messrs. Rawlings, Goodhue, and Lawrence.

By Mr. Marsh, of Pliny Hudson, on a subject therein named; which was referred to the judiciary committee.

Mr. Simonson moved to re-consider the reference of a petition presented by Mr. Grover.

The motion to re-consider prevailed.

Mr. Simonson then moved its reference to the committee on elections, which was lost.

The petition was then referred to a select committee of Messrs. Grover, Montgomery, and Bearss.

A message from the Senate, by Mr. Maguire, their secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives, that the Senate has adopted the following resolution:

Resolved, That the investigation of the Senate to be made into the conduct of our late fund commissioner, bank agent, and board of internal improvement, be made by joint committee of the Senate and House of Representatives, consisting of five members each; and that said committee be authorised to meet on its own adjournments, and to send for all persons and papers connected with the subject of their inquiries; and that they be authorised to meet as soon as convenient and report the result of their doings to the two Houses as soon as the investigation, directed by said resolution, shall have been completed; that said committee set with open doors; and that said resolution be referred to said committee, as the basis of their investigations. And, for the purpose of aiding said investigation, the chairman be authorised to issue all necessary process for witnesses before said committee, and to administer all necessary oaths; and that the House of Representatives be informed of the adoption of this resolution, and concurrence respectfully requested.

Messrs. Eggleston, Chamberlain, Parker, West and Baird are appointed said committee, on the part of the Senate.

On motion of Mr. Cooper,

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, forthwith, for the purpose of electing judges and prosecuting attorneys, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came in and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both Houses jointly proceeded to ballot for a circuit judge for 7th judicial circuit. And on counting the first ballot,

William P. Bryant received	- - - -	103 votes.
Delana R. Eckles received	- - - -	42 votes.
Blank,	- - - -	3 votes.

Wm. P. Bryant having received a majority of all the votes given, was declared duly elected circuit judge for the 7th judicial circuit.

The convention then proceeded to ballot for a prosecuting attorney for the first judicial circuit. And, on counting the first ballot,

Samuel C. Willson received	- - - -	124 votes.
Blank,	- - - -	22 votes.

Mr. Willson having a majority of all the votes given, was declared duly elected prosecuting attorney for the first judicial circuit

The convention then proceeded to the election of a prosecuting

attorney for the third judicial circuit. And on counting the first ballot,

George Robinson received	- - - -	61 votes.
Isaiah M. Robinson received	- - - -	8 votes.
John Dumont received	- - - -	60 votes.
Scattering,	- - - -	18 votes.

Neither person having a majority of all the votes given, the convention proceeded to a second balloting. Whereupon

George Robinson received	- - - -	83 votes.
John Dumont received	- - - -	60 votes.
I. M. Robinson received	- - - -	4 votes.
Scattering,	- - - -	1 vote.

George Robinson having received a majority of all the votes given, was declared duly elected prosecuting attorney for the third judicial circuit.

The convention then proceeded to the election of a prosecuting attorney for the 4th circuit, and on counting the first ballot, it appeared that

James Lockhart received	- - - -	81 votes.
John Ingle received	- - - -	66 votes.
Blank,	- - - -	1 vote.

Mr. Lockhart having a majority of all the votes given, was declared duly elected prosecuting attorney for the 4th judicial circuit.

The convention then proceeded to the election of a prosecuting attorney for the eleventh judicial circuit. And, on counting the first ballot, it appeared that

John M. Wallace received	- - - -	60 votes.
Walter March received	- - - -	22 votes.
B. McClelland received	- - - -	31 votes.
A. I. Harlan received	- - - -	34 votes.

Neither of the gentlemen having received a majority of all the votes given, the convention proceeded to a second balloting; and, on counting the votes, it appeared that

J. M. Wallace received	- - - -	72 votes.
W. March received	- - - -	2 votes.
B. McClelland received	- - - -	23 votes.
A. I. Harlan received	- - - -	34 votes.

Mr. Wallace having received a majority of all the votes given, was declared duly elected prosecuting attorney for the eleventh judicial circuit.

The convention then adjourned.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

On motion of Mr. Norvell,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending an act, entitled an act, for the election of county assessors, approved February 10, 1841, so as to cause the clerk of the different counties to order elections to be held in the several townships, in the different counties on the first Monday of March, 1842, for the election of assessors for each township.

Resolved, That the assessors so elected, shall be citizens of the townships in which said elections are held, whose duties shall be to assess both the real and personal property of their respective townships, and report as other assessors, to the clerks of their respective counties.

Resolved, That the above named assessors shall not receive exceeding one dollar per day, for the above named services.

On motion of Mr. Thompson,

Resolved, That a select committee of five members be appointed, whose duty it shall be to examine into, and report to this House in tabular form, distinctly and in separate columns, all the bonds of the State which have been sold for cash, if any, by whom sold, and to whom; all bonds sold on time, for which the money has since been received, by whom sold, and to whom; all the bonds sold on time for which the State has received no valuable consideration—by whom, and to whom sold; all the bonds which have been hypothecated, and the time, by whom, and to whom; also, a tabular statement showing in separate columns the manner in which all the money received by our agents as above, has been applied—how much for salaries of officers, how much for per diem allowances to officers, how much for contingencies, and how much for labor in the construction of the several works of internal improvement. Also, what portion of State bonds, if any, have been sold without law authorising such sales on such terms.

On motion of Mr. Milliken,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating fees, that witnesses be allowed one dollar per day in the Circuit Courts. And also, to inquire into the expediency of repealing the law allowing Attorney's docket fees.

Mr. Bearss moved the following preamble and resolution.

Whereas, At the public sales of the Wabash and Erie Canal Lands, the best lands have been sold: And whereas, the refuse lands will remain unsold a long time, unless reduced in price, Therefore—

Resolved, That the committee on Canals and Internal Improvements inquire into the expediency of reducing the price or rates of Canal Lands unsold, and that they report by bill or otherwise.

Which were not adopted.

On motion of Mr. Harding,

Resolved, That a committee be appointed to examine into, and report upon the unfinished business of the last session of the Legislature, and if there be any thing therein that requires the immediate and particular attention of this House—with leave to report by bill or otherwise.

Messrs. Harding, Davis of S., Dunbar, Percy, and Goodenow—said committee.

Mr. Hannegan moved a reconsideration of the vote on Mr. Bearss resolution.

Which prevailed—and then the resolution was adopted.

Mr. Chapman offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to interest on money, as that all judgments hereafter to be rendered in any case where there shall be a special agreement as to the amount of interest to be paid, shall draw the same rate of interest as the contract upon which such judgment shall be rendered, not exceeding ten per centum per annum.

Which was not adopted.

On motion of Mr. Brown, of M.,

Resolved, That the Board of Internal Improvements be requested to report to this House, the number of engineers, special agents, and others in the employ of the State, connected with the system of Internal Improvements: their names, amount of their salaries, and the nature and extent of their services.

On motion of Mr. Gorman,

Resolved, That the committee on Canals and Internal Improvement be instructed to inquire into the expediency of abolishing the Board of Internal Improvement and Chief Engineer.

Mr. Saffer offered the following resolution:

Resolved, That a Select Committee be appointed to inquire into the expediency of so amending the act regulating the duties of Justices of the Peace, so as to require only one Justice of the Peace in each township to transact county business—and report by bill, or otherwise.

Which was not adopted.

On motion of Mr. Matheny,

Be it Resolved, That the committee on the State Bank inquire into the expediency of requiring the directory of the State Bank of Indiana, to take early and efficient means to enable the several branches of the said bank to resume specie payments.

On motion of Mr. Marsh,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of engrafting that part of the Michigan and Erie Canal extending from Fort Wayne to Northport, Noble county, as a necessary feeder to the Wabash and Erie canal; and report by bill, or otherwise.

Mr. Tisdale offered the following resolution:

Resolved, That for the encouragement of the agricultural interest

of the State of Indiana, the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law as to cause an exemption to the amount of three hundred dollars worth of improvements on real estate from taxation, to each and every person which may be contained in the clearing and fencing of land. And also, one hundred dollars worth of personal property to each and every tax payer.

Which was not adopted.

Mr. Robinson of Rush, offered the following resolution:

Resolved, That the committee on the Judiciary be instructed so to amend the law regulating execution debtors, so as to set off two hundred dollars worth of property in such articles as the debtor or debtors may select for their use, which shall not be subject to execution.

Which resolution was not adopted.

On motion of Mr. Frink,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the School Law, that to entitle any school district to a portion of the funds intended to be distributed among the several school districts—the trustees of any such district shall employ such teachers only, as shall produce a certificate of qualifications from the examiners of common school teachers in the county where such school is proposed to be taught—with leave to report by bill or otherwise.

On motion of Mr. Rand,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law authorising summoning petit jurors, that twelve instead of twenty-four, be summoned for each week of court.

Mr. Davis of F. offered the following resolution:

Resolved, That the committee on roads be requested to inquire into the expediency of so amending the road law as to make it necessary for supervisors of roads to give bond and security for the faithful discharge of their duties;

Which was not adopted.

Mr. Grover introduced bill No. 9, to incorporate the First Presbyterian Church at Logansport;

Read first time, and passed to a second reading to-morrow.

Mr. Grover moved to suspend the rules, and read it a second time now; which was lost.

ORDERS OF THE DAY.

Bill No. 7, to extend the time of holding probate court in Knox county.

Read a second time, and referred to the judiciary committee.

Bill No. 6, fixing the pay of members of the Legislature; read a second time and referred to the committee of ways and means.

Bill No. 4, in relation to the jurisdiction of magistrates in Madison county; read a third time and passed.

The House took up the message from the Senate, announcing the appointment of a committee of investigation, and asking a similar one on the part of the House.

Mr. Marshall moved the following resolution:

Resolved, That the resolution of the Senate be reciprocated, and that the select committee heretofore appointed by this House on the subject of said resolution, be authorised to meet with the committee of the Senate, as a joint committee, and that the Senate be informed thereof.

Pending this motion, Mr. Brown of M., moved to lay the message on the table; and upon this motion, the ayes and noes were demanded, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of M., Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Cogswell, Cooley, Coon, Davis of S., Defrees, Dunbar, Foley, Garrigus, Gilbert, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Reed, Ritchey, Robinson of C., Saffer, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N. & L., Townsend, Yocum, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of F., Devin, Edwards, Ellis, Foulk, Frink, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, Meeker, Montgomery, Murray, Ogden, Rannalls, Rawlings, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdell, Williamson, and Wines of V.—38.

On motion of Mr. Shoup,

A petition introduced, presented by him, and laid on the table, was taken up and referred to a select committee of Messrs. Shoup, Cooley, and Ogden.

On motion, the House adjourned till to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 11, 1841.

The House met pursuant to adjournment.

Mr. Dunbar presented the proceedings of a meeting of the citizens of Jackson county, on the subject of the State debt and internal improvements;

Referred to the committee on Ways and Means.

PETITIONS WERE PRESENTED,

By Mr. Bowers, in relation to a subject therein named,
Read and referred to the committee on Roads.

Also, one from Thomas T. Perry, on the subject of a divorce,
Referred to the Judiciary committee.

A message from the Senate, by Mr. Maguire, their Principal Secretary.

MR. SPEAKER—

The Senate has passed engrossed joint resolutions thereof, entitled as follows, viz:

No. 8, a joint resolution on the subject of the location of an armory in the west;

No. 15, a joint resolution on the subject of the sale of lands mortgaged to the sinking fund,

In which I am requested to ask the concurrence of the House of Representatives.

Said joint resolution from the Senate, No. 15, on the subject of the sale of lands mortgaged to the sinking fund, was then read three several times and passed, (the rules having been suspended for that purpose.)

A petition was presented by Mr. Harding, of the county commissioners of Marion county, on a subject therein named;

Referred to a select committee of Messrs. Harding, Brown of M. and Chapman of H.

By Mr. Myers, the petition of citizens of Knox county on the subject of a State road;

Referred to the committee on Roads.

By Mr. Robinson of C., in relation to water power at Delphi, from citizens of Carroll county;

Referred to a select committee to which a similar petition on that subject was referred yesterday.

By Mr. Wines of A., of citizens of Fort Wayne on a subject therein named,

Which was referred to the Judiciary committee.

By Mr. Hodges, of citizens of Vigo, in relation to water power;
Which was referred to the committee on canals and internal improvements.

By Mr. Murray, of citizens of Huntington county, in relation to road and bridge;

Referred to the committee on Roads.

Also, one of citizens of Huntington county, in relation to a toll bridge;

Referred to the committee on Roads.

Mr. Henley, from the committee of Ways and Means made the following report:

MR. SPEAKER—

The committee of Ways and Means to whom was referred a resolution of this House, directing an enquiry into the expediency of repealing the 18th section of the act prescribing the mode of levying taxes, approved February 12, 1841, have directed me to report a bill—

Bill No. 10, to repeal part of the 18th section of an act pointing out the mode of levying taxes, approved February 12, 1841.

Read a first time and passed to a second reading to-morrow.

Mr. Hannegan asked the consent of the House to appoint a clerk to the select committee on investigation, &c.;

Which was agreed to.

Mr. Henley, from the committee of Ways and Means, made the following report:

MR. SPEAKER—

The committee of Ways and Means, to whom was referred a resolution of the House, directing an enquiry into the expediency of substituting \$5 00 treasury notes for those of the denomination of \$50 00—now in circulation, have directed me to report a bill—

Bill No. 11, a bill authorising the issue of \$5 00 treasury notes for the redemption of \$50 00 treasury notes, now in circulation;

Read 1st time and laid on the table.

On motion of Mr. Chapman of L.,

Resolved, That a select committee of three members be appointed with instructions to prepare and report a memorial to Congress, asking a further appropriation by the United States for the construction of a harbor at Michigan city, in the State of Indiana.

Messrs. Chapman, Bradley and Defrees were appointed said committee.

Mr. Harding, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of the board of commissioners of Marion county, have had the same under

consideration, and directed me to report the following joint resolution:

Joint resolution No. 12, in relation to the revenue of Marion county;

Read a first time, and,

On motion of Mr. Brown of M.,

The rules were suspended, and the joint resolution read a second time.

On motion of the same gentleman,

The rules were further suspended—and the joint resolution read a third time, and passed.

On motion of Mr. Meeker,

Resolved, That the committee on Roads be instructed to inquire into the expediency of so amending the law relative to the election of road supervisors to be elected by the legal voters of the road district to which such supervisors shall belong.

On motion of Mr. Hendricks,

Resolved, That the committee on Canals and Internal Improvements be instructed to enquire into the propriety of abolishing the office of fund commissioner.

On motion of Mr. Chrisman,

Whereas, in the present embarrassed condition of the finances of our State, it is altogether inexpedient further to sell State bonds at depreciated prices (as heretofore) for the purpose of prosecuting the system of internal improvement contemplated in the acts of 1836, and amendatory acts thereto, therefore,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of reporting a bill to this House providing for letting the several lines of public works, embraced in the acts of 1836 and subsequent amendatory acts, to individuals or associations of individuals, on just and equitable principles, for limited periods, on condition of their completing the work or works so let to them.

On motion of Mr. Milliken,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of so amending the law levying a tax on individual stock in the branches of the State Bank of Indiana, that the fifteen per cent. now levied by the State, in lieu of all county and road taxes, be paid into the county treasuries where such stock is owned, providing that the stock is owned by residents.

On motion of Mr. Hannegan,

Resolved, That the committee on Canals and Internal Improvements be instructed to report a bill to this House, providing for the disposition of the lands granted by the General Government to the State of Indiana, for the purpose of extending the Wabash and Erie Canal from the mouth of Tippecanoe to Terre Haute, in accordance with the terms of the act granting said land.

On motion of Mr. Myers,

Resolved, That the committee of Ways and Means be instructed to report a bill to this House as soon as possible, to extend the time of collecting taxes by distress until the first day of March next.

On motion of Mr. Mitchell,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of granting an appropriation for the purpose of improving the navigation of the St. Joseph's river, within the limits of the State of Indiana; and that the committee have leave to report by bill or otherwise.

Mr. Whight offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to report a bill to this House repealing so much of the 9th section of an act supplemental to an act subjecting real and personal property to execution, approved February 4th, 1831: approved February 13th, 1841," as relates to judgments on *scire facias*.

Mr. Gorman moved to amend the resolution as follows:

And also on bonds for the delivery of property levied on by execution; And then the resolution as amended was adopted.

Mr. Shoup offered the following resolution:

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of authorising the re-issue of eighty thousand dollars of treasury notes, bearing an interest of three per centum per annum, to be appropriated to the completing that portion of the White-water Canal lying between Brookville and the feeder dam, with leave to report by bill or otherwise.

Mr. Davis of F. offered to amend by inserting after feeder dam, "and the Jeffersonville and Crawfordsville Turnpike Road between New Albany and Salem."

The resolution and proposed amendment were then laid on the table.

On motion of Mr. Wines of A.,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill, making an appropriation for the speedy construction of the Erie and Michigan canal.

Mr. May asked and obtained leave to present to the House the proceedings of a meeting of the people of Washington county;

Which was read and referred to the judiciary committee.

On motion of Mr. Cooper,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of repealing all laws now in force relative to the services and pay of a chief engineer, for superintending the public works.

Mr. Foulk offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law in relation to the recording of mortgages, as to give to the mortgaged deeds first filed and recorded, priority of time; and make it the duty of the recorder to state on his record, and write on the back of the mortgage, the day, hour, and minute, that such mortgage is filed and recorded in his office.

On motion of Mr. Chapman of L.,

The above resolution was amended, by inserting "deeds," after the word "mortgages."

The resolution was then adopted.

On motion of Mr. Leslie,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the law on that subject, as to authorise the commissioners of the several counties, to divide their road districts, and appoint additional supervisors, in such a manner as to save the late increased expense for warning hands and working roads.

On motion of Mr. Marshall,

Resolved, That the committee on canals and internal improvements be directed to inquire into the expediency of providing, by law, for the transfer of all, or any one or more of the public works, to a company or companies; when such company or companies shall deliver to the State, to be cancelled, an amount in State bonds, equal to the amount which has been expended by the State on such work or works.

Mr. McAlister offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law in relation to the duties of grand jurors, so as to limit the session to a certain number of days, so that the expense of protracted sessions may be avoided.

On motion of Mr. Robinson of C.,

Resolved, That Jesse L. Williams, chief engineer, be requested to report to this House the probable estimated cost of constructing the Wabash and Erie canal, from the mouth of the Tippecanoe river to Terre Haute, including the work already done on the same.

On motion of Mr. Wines of A.,

Resolved, That the committee on canals and internal improvement be instructed to prepare and report to this House, a memorial to the Congress of the United States, asking the session of every alternate section, for five miles on each side of so much of the Central canal as shall pass through the lands lately acquired by the United States from the Miami Indians, to aid in the construction of said canal north of Indianapolis.

On motion of Mr. Hendricks,

Resolved, That hereafter, when petitions or other supplications are offered to this House, praying that the bans of matrimony may be dissolved, said prayers and papers shall in all cases be referred to the proper civil tribunals, where the party or parties may reside.

Mr. Montgomery moved a re-consideration of the vote on the aforesaid resolution, which motion prevailed; and, on motion, the resolution was laid on the table.

On motion of Mr. Goodhue,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating the jurisdiction of justices of the peace, that in all suits hereafter instituted before any justice of the peace, where the judgment obtained, does

not exceed one dollar, that the plaintiff shall not recover costs from the defendant to exceed one dollar; and in all cases where the judgment, is over one dollar, and does not exceed five dollars, that the plaintiff shall not recover costs to exceed the amount of the money recovered in debt or damages.

On motion of Mr. Clements,

Resolved, That the committee on canals and internal improvement be required to take into consideration, at as early a period as practicable, that part of the Governor's message, which says, "heavy sacrifices to pay interest, will add to the existing burdens of the State, without the most remote promise of ultimate relief; although this may not be true in respect of measures to secure the completion of some of the best works," as well as other parts of the same, in relation thereto. And if a plan can be conceived by them, to complete some of the best works of internal improvement, that they report it by bill or otherwise.

Mr. Saylor offered the following resolution:

Resolved, That no member shall be allowed to address the chair from any other place in the House, than from his own seat;

Which was laid upon the table.

On motion of Mr. Reed,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of an act entitled, an act supplemental to an act, subjecting real and personal property to execution, as requires a valuation of certain species of personal property therein named.

On motion of Mr. Sinks,

Resolved, That the committee on the judiciary be instructed to consider the propriety of so amending the laws subjecting real and personal property to execution, that it shall not be sold for less than two thirds of its cash value; that no additional execution shall issue on personal property for ninety days, or on real estate for one hundred and eighty days from the date of the original execution, unless the plaintiff pay the cost on such additional execution. Also requiring the officer making the levy, (either sheriff or constable) at the time of making the levy, to appraise all property, and make out two duplicates, one for himself, and one for the defendant, who, if not satisfied with such appraisement, to appeal to the court from which such execution was issued either clerk or justice, and that court appoint three disinterested persons to appraise the same.

On motion of Mr. Cooper,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road law, as to repeal that part of the law that allows to supervisors pay out of the county treasury; and all persons serving as supervisors shall be exempt from road tax, or working on public highways for such service, with leave to report by bill or otherwise.

On motion of Mr. Lawrence,

Resolved, That the committee on claims be instructed to inquire

into the cause why Joseph H. Hendricks, contractor, with John Woodburn, commissioner, on the Madison and Lafayette Rail-road, for the grading of the second section of the first division of said road, and report why he has not been paid for the same, under an act for the relief of the said Joseph H. Hendricks, approved Feb. 13, 1841.

On motion of Mr. Clements,

Resolved, That the chief engineer report to this House, at as early a day as practicable, the amount of money expended on that part of the New Albany and Vincennes road which lies between Paoli and Mount Pleasant: and also the amount it will cost to complete the same, so far as grading and bridging between those points; and his opinion of the advantages of such grading, and bridging, to the State when completed.

On motion of Mr. Simonson,

Resolved, That the Secretary of State be requested to lay before this House a copy of the contract made with the superintendents of the State Prison, also a copy of the bond given by said superintendents.

BILLS INTRODUCED.

Mr. Bradley introduced a Joint Resolution, No. 13—Relative to the payment of principal and interest on the suspended debt;

Read a first time and passed to a second reading on to-morrow.

Mr. Dunbar introduced bill No. 15—To repeal part of the 19th, and also the 20th section of an act prescribing the duties of county Treasurers, approved Feb. 12th, 1841;

Read a first time and passed to a second reading.

Mr. May introduced a bill, No. 16—To amend an act regulating the times of holding the 2d Judicial Circuit of this State;

Read a first time and passed to a second reading.

Mr. Clark introduced a bill, No. 17—To extend for a limited time the provisions of the 17th section of an act to provide for a general system of Internal Improvements;

Read a first time and passed to a second reading.

Mr. O'Neill introduced a bill No. 18—To regulate the jurisdiction of Justices of the Peace in Green county;

Read a first time and passed to a second reading.

Mr. Howard introduced a bill, No. 19—In relation to interest on money, and amendatory of the act on that subject;

Read a first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

Bill—In relation to Presbyterian Church at Logansport;

Read a second time—and referred to the committee on Corporations.

The House then took up Senate's Joint Resolution in relation to an Armory in the West.

Read a first time, and

Mr. Wines moved to suspend the rules and read a second time, Which was lost.

The Joint Resolution then passed to a second reading on to-morrow.

Mr. Robinson of R., from the committee on Enrolled Bills, made the following report:

MR. SPEAKER—

The committee on Enrolled Bills have compared the following Joint Resolution with the Engrossed Resolution, and find it truly enrolled, to wit:

No. 15—A Joint Resolution on the subject of lands mortgaged to the sinking fund.

Mr. Bradley asked and obtained leave to introduce bill No. 20—To increase the pay of Probate Judges, and for other purposes.

Read a first time and passed to a second reading on to-morrow.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

Mr. Sayler made the following report:

MR. SPEAKER:

The committee on Public Expenditures to which was referred a resolution adopted by this House, inquiring into the expediency of a reduction of per diem allowance, and also of annual salaries of all officers now officiating in this State whose compensation is subject to the control of this Legislature. Also, a resolution inquiring into the expediency of reducing the pay of members of the General Assembly to two dollars per day—have had the same under consideration, and directed me to report that there is a bill referred to the Judiciary Committee on the above subject, which has received two readings in this House, and will be reported back to the House in a few days, which makes it unnecessary for us to report a bill on that subject, and ask to be discharged from the further consideration of the subject.

The report of the committee was concurred in, and the committee discharged.

On motion of Mr. Wines, of V.,

The rules were suspended, and Joint Resolution of the Senate in relation to an armory in the West, was taken up and read a second time.

Mr. Grover moved to amend by including *sites* at the Falls of Eel river and Wabash.

Mr. Robinson of C., moved to amend the amendment by including dam near Delphi.

Both the amendments were successively lost.

Mr. Henley moved to strike out preamble,

Which motion was lost.

Mr. Davis of F., moved to insert after Wabash rapids, falls of the Ohio on the Indiana side,

Which was also lost.

Mr. Gorman moved to suspend the rules and read it a third time now,

Which motion was also lost.

Mr. Cogswell asked and obtained leave to introduce a bill, No. 21—To regulate the jurisdiction of Magistrates in Hamilton county,

Read a first time, and passed to a second reading.

Mr. Graham gave notice that he would, on to-morrow, move to amend the standing rules as follows:

Resolved, That the rules of the House be amended by striking therefrom the rule that requires each member to address the Chair from his own seat.

Mr. Shoup, from a Select Committee, made the following report:

MR. SPEAKER—

The committee to whom was referred the petition of William McClure and sundry other citizens of the county of Franklin, praying a divorce from his wife, Minerva, have had the same under consideration, and a majority of them have directed me to report the following bill, and recommend its passage.

Bill No. 22—Declaring a divorce in a case therein named, and for other purposes.

Read a first and second time, (the rules being suspended for that purpose.)

Mr. Ogden made the following counter report:

The undersigned, one of the select committee, to whom was referred the petition of William M'Clure, praying for an act of this Legislature, divorcing him from his wife, Minerva M'Clure, begs leave to dissent from the agreement of the majority of said committee to present a bill in accordance with the prayer of said petitioner, for the reason that he believes it to be inexpedient to legislate in such cases, inasmuch as the circuit courts are, in his opinion, the proper tribunals for the adjudication of such matters of controversy, and asks that this his dissent may be entered upon the journals.

DANL. OGDEN.

Mr. Cooper moved the indefinite postponement of said bill;
And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Brown of D., Butler, Chapman of H., Clark, Cogswell, Cooper, Cotton, Davis of F., Davis of S., Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Hackleman,

Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Leslie, Marsh, Marshall, Matheny, Meeker, Mitchell, Murray, Nelson, Norvell, Ogden, O'Neill, Peak, Percy, Reed, Robinson of C., Robinson of R., Rooker, Runyon, Saffer, Saunders, Saylor, Sinks, Snoddy, Snook, Thompson of N., Tisdale, Williamson, Wines of A., Wines of V. and Yocum—63.

Those who voted in the negative were,

Messrs. Barnett of L., Bowers, Bradley, Brown of M., Chapman of L., Chrisman, Clements, Cooley, Coon, Grover, Hannegan, Henley, Howard, Lee, Lingle, May, M'Allister, Milliken, Monroe, Montgomery, Myers, Poulson, Proctor, Rand, Rannalls, Rawlings, Ritchey, Shiveley, Shoup, Simonson, Thompson of F., Whight and Mr. Speaker—33,

So said bill was indefinitely postponed.

The House then adjourned till Monday morning 9 o'clock.

MONDAY MORNING, DEC. 13, 1841.

The House met according to adjournment.

The Speaker laid before the House a communication from the cashier of the State Bank.

Also a report of the cashier of the Branch Bank at Richmond;
Which were referred to the committee on the State Bank.

PETITIONS WERE PRESENTED,

By Mr. Bradley, from Christena Catherine Frederickson for relief;
Referred to the committee on Education.

By Mr. Hendricks, from citizens of Shelby county, on the subject of a stay law;

Which was referred to the Judiciary committee.

By Mr. Graham, from E. Brashears and others, for a school district;
Referred to the committee on Education.

By Mr. Chrisman, two several petitions from citizens of Boone county, on a subject therein named;

Referred to the committee on Corporations.

By Mr. Gorman of D. B. Woaburn, in relation to a State road in Monroe county;

Referred to a select committee of Messrs. Gorman O'Neill and Snoddy.

Also, of Samuel Snoddy, in relation to seminary township of land in Monroe county;

Referred to the same select committee.

By Mr. Matheny, of B. Burrows and others, on the subject of a State road;

Referred to the committee on Roads.

Also, one of B. Burrows and others on the subject of the incorporation of Mooresville;

Referred to the committee on Corporations.

By Mr. Cooper, of Nathaniel Head, on a subject therein named;

Referred to a select committee of Messrs. Cooper, Cogswell and Robinson of R.

By Mr. Marshall, of William Dudley, on a subject therein named;

Referred to the committee on Canals and Internal Improvements.

By Mr. Henley, of Hugh and Robert Stewart, for relief;

Which was referred to the committee on Canals and Internal Improvements.

By Mr. Marshall, of J. H. Hendricks, for relief;

Referred to the committee on Canals and Internal Improvements.

By Mr. Bradley, of John Brown, for relief;

Referred to a select committee of Messrs. Bradley, Chapman of L. and Rannalls.

By Mr. Dunbar, sundry petitions of citizens of Jackson county, against obstructions in the navigation of the east fork of White river;

Which were referred to a select committee of Messrs. Dunbar, Norvell and May.

By Mr. Gilbert, of citizens of Delaware county, asking a repeal of the law authorising a board of equalization;

Referred to the Judiciary committee.

By Mr. Hackleman, two several petitions of citizens of Rush county, on the subject of relief laws;

Referred to the Judiciary committee.

On motion of Mr. Henley,

The bill No. 11, authorising the issue of \$5 00 treasury notes instead of the \$50 00 treasury notes, now in circulation, was taken from the table, and 100 copies ordered to be printed.

Mr. Hannegan, from the Judiciary committee, made the following report:

MR. SPEAKER—

I am instructed by the committee on the Judiciary to report a joint resolution respecting the sales of personal property on execution, in obedience to a resolution and joint resolution heretofore referred to said committee.

Joint resolution No. 23, in relation to the sale of personal property on execution.

Read a first time and second time, the rules being suspended for that purpose.

Mr. Hannegan moved that the rules be suspended and the said joint resolution be read a third time now.

Mr. Chapman of L. moved to amend by striking out the second clause of said joint resolution.

Mr. Gorman moved to amend the amendment as follows:

The execution defendant may redeem the property so sold in three months by paying the amount for which such property was sold;

Which was lost.

Mr. Bradley moved to amend by striking out "void" and inserting "valid," where it occurs in said joint resolution;

Which was also lost.

The question recurring on the proposition of Mr. Chapman of L.,

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hodges, Howard, Lee, Lingle, Meeker, Miliken, Mitchell, Monroe, Montgomery, Ogden, O'Neill, Proctor, Rand, Rannalls, Rawlings, Reed, Runyon, Saunders, Shively, Simonson, Sinks, Snoddy, Stratton, Tisdale, Warriner, Williamson, Wines of Vigo and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bearss, Brown of M., Butler, Chrisman, Clements, Cogswell, Davis of Sullivan, Garrigus, Gilbert, Graham, Hannegan, Harding, Hendricks, Hoobler, Hutton, Leslie, Marsh, Marshall, Matheny, May, M'Allister, Murray, Myers, Nelson, Norvell, Peak, Poulson, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saylor, Shoup, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Whight, Wines of Allen and Yocum—41.

So the proposition to strike out prevailed.

Mr. Brown of M. moved to amend the resolution as follows:

SEC. 2. This joint resolution shall take effect and be in force from and after its passage, and shall be published in the Indiana Journal and State Sentinel, and the Secretary of State shall forward a copy thereof to the clerks of each circuit court;

Which was adopted.

Mr. Chapman of H. offered the following amendment:

Until day to be fixed by proper officer, and insert 1st day of March next;

Which did not prevail.

Mr. Defrees moved a reconsideration of the vote on the amendment offered by Mr. Brown of M.;

Which prevailed.

The amendment was then adopted and the joint resolution read a third time.

And on the question shall the joint resolution pass,

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Brown of M., Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cotton, Davis of Sullivan, Defrees, Dunbar, Edwards, Ellis, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, M'Allister, Mitchell, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rannalls, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Saylor, Shoup, Snoddy, Thompson of Fayette, Thompson of Noble and Lagrange, Townsend, Whight, Wines of A. and Yocum—62.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Cooper, Davis of Floyd, Deming, Devin, Foulk, Goodenow, Hackleman, Henley, Howard, May, Meeker, Milliken, Monroe, Montgomery, Ogden, Proctor, Rand, Rawlings, Reed, Runyon, Shively, Simonson, Sinks, Stratton, Tisdale, Warriner, Williamson, Wines of Vigo and Mr. Speaker—34.

So said joint resolution passed.

Mr. Hannegan, from the Judiciary committee, made the following report:

MR. SPEAKER—

I am instructed by the committee on the Judiciary to report a bill supplemental to "an act subjecting real and personal estate to execution," approved February 4th, 1831.

Read first and second time, (the rules being suspended for that purpose) and laid on the table and 100 copies ordered to be printed.

Mr. Defrees, from the committee on claims, made the following report:

MR. SPEAKER—

The committee on claims have had under consideration the petition of James M'Keithly, and have come to the conclusion and so to instruct me

to report, that the prayer of the petitioner should not be complied with. No evidence was submitted to the committee, sustaining his claim, and, by his own representation, it appears that the contract upon which such claim is founded, was passed upon by the proper persons appointed for the purpose by the legislature of 1839. The committee, therefore, ask to be discharged from the further consideration of the petition;

Which was concurred in, and the committee discharged.

Mr. Montgomery, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of J. R. Montgomery and others, praying for a repeal of an act incorporating the town of Princeton, have had the same under consideration, and directed me to report a bill in accordance with the prayer of the petitioners.

Bill No. 25, a bill to repeal an act entitled an act to incorporate the town of Princeton.

Read first time and passed to second reading.

Mr. Ritchey, from a select committee, made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of Fanny Howard, have had the same under consideration, and after mature deliberation, have directed me to report the following bill:

A bill, No. 34, granting a divorce to Fanny Howard.

Read a first time, and passed to a second reading.

Mr. Davis of Floyd, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Fisher A. Wilder and others, on the subject of incorporating the petitioners as the Greenville Band, for the purposes therein named, have considered that subject, and directed me to report the following bill:

Bill No. 26, to incorporate the Greenville band of musicians;

Read a first time and passed to a second reading.

On motion of Mr. Norvell,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law regulating the summoning and empannelling grand and petit jurors, so as to make it the duty of the sheriff to summon petit jurors from the by-standers or others, under rules and regulations prescribed by law, and that the fees of said jurors shall be taxed against the parties litigant, as other costs of suit.

On motion of Mr. Goodenow,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of providing for the payment of the debt due the bank by an issue of five dollar treasury notes, and of providing for the final redemption of said notes by appropriating the money which the State will be entitled to receive from the proceeds of the public lands, to that purpose.

Mr. Saylor offered the following resolution :

Resolved, That the standing committee on Federal Relations be instructed to report to this House at an early day, a joint resolution requesting our Senators and Representatives in Congress to use their influence and vote for a repeal of the bankrupt law, passed at the last session of Congress.

Mr. Montgomery moved to amend the resolution by enquiring into the expediency ;

Which was lost.

Mr. Dunbar moved that the resolution be referred to the Judiciary committee ;

Which motion was also lost.

Mr. Gorman moved to lay the resolution on the table ; and on the motion Messrs. Henley and Saylor demanded the ayes and noes, and are as follows :

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Butler, Chapman of Hancock, Chapman of Laporte, Clements, Cogswell, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Harding, Hendricks, Hodges, Howard, Lawrence, Lee, Leslie, Meeker, Mitchell, Montgomery, Murray, Myers, Nelson, Ogden, Peak, Rand, Rannalls, Rawlings, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Williamson, Wines of Allen and Wines of Vigo—66.

Those who voted in the negative were,

Messrs. Chrisman, Clark, Cooley, Coon, Garrigus, Graham, Hannegan, Henley, Hoobler, Hutton, Lingle, Marsh, Marshall, Matheny, M'Allister, Milliken, Monroe, Norvell, O'Neall, Poulson, Proctor, Reed, Ritchey, Saylor, Shively, Shoup, Simonson, Thompson of Fayette, Yocum and Mr. Speaker—30.

So said resolution was laid on the table.

Mr. Lingle offered the following resolution :

Resolved, That the judiciary committee be requested to inquire into the expediency of so amending the law, that judgments obtained on notes,

bonds, or other written instruments, shall bear the same interest that is expressed on their face ; provided that the rate of interest does not exceed ten per cent. per annum ;

Which was not adopted.

On motion of Mr. O'Neall,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing an act entitled an act to provide for the revision of the laws, approved February 4, 1841 ; and that they have leave to report by bill or otherwise.

On motion of Mr. Butler,

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of so amending the fifteenth section of an " Act regulating the jurisdiction and duties of Justices of the Peace, approved Feb. 17, 1838," so as to extend the time, the Clerks of the Circuit Courts now have to make out and certify copies of the list of fines returned to their office by Justices of the Peace, with leave to report by bill or otherwise.

Mr. Marsh offered the following resolution:

Whereas, The State of Indiana has expended large sums of money in the construction of that portion of the Wabash and Erie canal, extending from Fort Wayne to the Ohio state line: and as it is generally understood and believed that the deficiency of water is such that said canal will be totally valueless until a feeder be introduced by the construction of that portion of the Erie and Michigan canal which diverts the waters of the Elkhart river to the Maumee; And whereas, the Wabash and Erie canal is now about being completed, Therefore—

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of introducing a bill, authorizing the amount of State taxes to be collected in the counties of Allen, Lagrange, DeKalb, Noble, Whitley, Steuben, Huntington, Miami, Wabash, Cass, Elkhart, and St. Joseph, to be applied to the construction of said Erie and Michigan canal from Fort Wayne to Northport in Noble county, and that the Boards doing county business in said counties, may determine such increase of the amount of taxes over that levied by the State, to be assessed, collected and applied as aforesaid, within their several counties, as they may deem necessary.

On motion of Mr. Runyon,

The resolution was amended by striking out Kosciusko, and then the resolution was adopted.

On motion of Mr. Ritchey,

Resolved, That Noah Noble, Esq., the Fund Commissioner, be directed to inform this House in how many and what cases he has instituted suits as said commissioner; at what places, for what sums, who are employed as Attorneys; at what in each particular case; whether fixed or contingent; and what is the whole amount stipulated to be paid in these cases.

Mr. Coon offered the following resolution:

Resolved, That this House refuse to receive any more of the Governor's messages than the three hundred which they have already re-

On motion of Mr. Milliken

Resolved, That the committee on Education be instructed to inquire into the expediency of repealing the sixth section of the sixth chapter and the fifth section of the 14th chapter of an act entitled "An act to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17th, 1838."

On motion of Mr. Clark,

Resolved, That a select committee be appointed to inquire into the expediency of passing a special law to provide for the collection of the revenue for State and county purposes in the county of Vanderburgh, for the year A. D., 1841, and that they have leave to report by bill or otherwise.

Messrs. Clark, Graham and Devin, were appointed said committee. A message from the Senate by Mr. Maguire, their Secretary:

MR. SPEAKER—

The Senate has passed without amendment, a Joint Resolution of the House of Representatives, entitled,

No. 12—A Joint Resolution in relation to the revenue of Marion county.

On motion of Mr. Stratton,

Whereas, The State of Indiana is groaning under a heavy debt which she is at this time wholly unable to pay, although a large portion of which debt we feel honorably bound to make some provisions for the payment thereof. And whereas, in the opinion of this Legislature, a great number of her bonds, if not all that are out, have come into the hands of their present holders at very reduced prices, say from 20 to 50 per cent. below their face: and also believing that all the loss that have been or that will be on the same, has already been sustained by former holders thereof, Therefore—

Resolved, That the committee of Ways and Means inquire into the expediency of appropriating that portion of the proceeds of the sale of the public lands that may from time to time fall to the State of Indiana to the purchase of her State bonds at the common market price for which the same may be offered for and sold at to others, and that said committee report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Ritchey, a joint resolution No. 27, in relation to a speedy resumption of specie payments by the bank.

Read a first time and passed to a second reading on to-morrow.

Mr. Gorman moved a suspension of the rules and read it a second time now;

Which motion did not prevail.

By Mr. Robinson of C.; bill No. 29, to revive and amend an act therein named.

Read a first time and passed to a second reading.
By Mr. Brown of M.; bill No. 30: a bill to reduce the interest on the surplus revenue and other trust funds now loaned by the State of Indiana;

Read a first time and passed to a second reading.
By Mr. Myers, bill No. 31; regulating the jurisdiction of justices of the peace in the county of Knox;

Read a first time and passed to a second reading.
By Mr. Chapman of L., bill No. 32, relating to the jurisdiction of justices of the peace in actions by and against corporations;

Read a first time and passed to a second reading.
By Mr. Simonson, bill No. 33; to amend an act entitled an act for the promotion of schools and education in Clark's grant, approved Feb. 15, 1838;

Read a first time and passed to a second reading.
The House then adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Bill introduced by Mr. Lee, No. 35; for the relief of Charles Percell, late collector of Posey county;

Read a first time and passed to a second reading.

By Mr. Brown of M., a bill No. 36; a bill to amend an act regulating the jurisdiction of justices of the peace, approved Feb. 17, 1838;

Read a first time and passed to a second reading.
By Mr. Stratton, bill No. 37; to amend an act entitled an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift, approved Feb. 15, 1841;

Read a first time and passed to a second reading.

By Mr. O'Neal, bill No. 38; to repeal an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Green;"

Read a first time and passed to a second reading.

ORDERS OF THE DAY.

Bill No. 10, to repeal part of the 18th section of an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

Read a second time, and

On motion of Mr. Cooper,
Referred to the Judiciary committee.

Joint Resolution No. 13; relative to the payment of the principal and interest on the suspended debt;

Read a second time, and referred to the Judiciary committee.

Mr. Robinson of R., from the committee on Enrolled Bills, made the following report:

MR. SPEAKER—

The joint committee on Enrolled Bills, report that they have compared the enrolled with the engrossed joint resolution, and find the same truly enrolled, as follows:

No. 12—A joint resolution in relation to the revenue of Marion county.

No. 14—In relation to Blackford's reports in Lagrange county;

Read a second time, and ordered to be engrossed.

Bill No. 15—A bill to repeal part of the 19th and also the 20th section of an act prescribing the duties of county Treasurers, approved Feb. 12th, 1841;

Read a second time and referred to the committee on Ways and Means.

Bill No. 16—A bill to amend an act regulating the times of holding the circuit court in the second judicial circuit of this State;

Read a second time and ordered to be engrossed.

Bill No. 17—To extend for a limited time the provisions of the 17th section of an act to provide for a general system of Internal Improvement;

Read a second time, and referred to the committee on Canals and Internal Improvements.

Bill No. 18—To regulate the jurisdiction of justices of the peace in Green county;

Read a second time and ordered to be engrossed.

Bill No. 19—A bill relating to interest on money, and amendatory of the acts on that subject;

Read a second time and referred to the Judiciary committee.

Bill No. 20—A bill to increase the pay of the Probate Judge of LaPorte county, and for other purposes;

Read a second time and ordered to be engrossed.

Bill No. 21—To regulate the jurisdiction of Justices of the Peace in Hamilton county;

Read a second time and ordered to be engrossed.

Joint Resolution of the Senate in relation to an armory in the West.

Mr. Norvell asked and obtained leave to introduce the following resolution,

Which was adopted.

Resolved, That the Judiciary committee be instructed to inquire into the expediency of withholding the interest on the suspended debt to the State of Indiana, until the fraudulent bonds are identified.

Mr. Shoup asked and obtained a suspension of the rule, to introduce the following resolution,

Which was adopted.

Resolved, That Jesse L. Williams be requested to report to this House the number of miles of the White Water canal yet unfinished, and the amount expended on the same, together with the amount of perishable materials on hand and paid for by the State, dividing the

said canal into three divisions, viz: that portion between Brookville and the Laurel feeder dam, being the first division; and that portion between the Laurel feeder dam and the dam immediately below Connersville, being the second division, and the remainder of said canal to the terminating point at the national road, to constitute the third division; and further, to report the amount necessary to complete said canal to *each of said points*, together with the probable amount of revenue the State would derive from the completion of said canal to each of said points, upon the amount necessary to be expended; and also, further to report whether the specifications upon said work can be changed so as to have the work done upon a much cheaper plan.

On motion of Mr. Defrees,

The resolution of Mr. Saylor was taken from the table.

Mr. Clark offered the following amendment to the resolution,

Which was adopted:

After the Speaker has responded, the member shall have liberty to take his stand in some convenient position in the House.

Mr. Gorman moved the indefinite postponement of the resolution and amendment;

Which motion did not prevail.

Mr. Rooker moved to refer to the committee of Ways and Means;

Which was lost.

Mr. Hannegan moved the following amendment:

And that no member shall leave his seat for any purpose without permission of the Speaker.

On motion of Mr. Cogswell,

The whole subject was postponed indefinitely.

Mr. Brown of M., moved a suspension of the rules,

Which was carried—and the following resolution introduced and adopted:

Resolved, That the use of this Hall be tendered to John B. Dillon, Esq., on Saturday evening next, to deliver an address on the early history of Indiana.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

TUESDAY MORNING DEC. 14, 1841.

The House met according to adjournment.

A message from the Senate by Mr. Wright, a member:

MR. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled as follows, viz:

No. 21—A bill authorizing the Associate Judges of Ripley county to sit and perform the duties of Probate Judge in certain cases therein prescribed;

In which I am directed to ask the concurrence of the House of Representatives.

The Senate also yesterday adopted the following resolution, and directed me to inform the House of Representatives thereof, and request their concurrence therein.

Resolved, That the Senate will, (the House of Representatives concurring therein,) go into the election of President Judge for the 12th judicial circuit, and Prosecuting Attorneys for the 8th and 12th judicial circuits to-morrow (Tuesday) at 2 o'clock, P. M.

PETITIONS WERE PRESENTED.

By Mr. Marshall, of David Hillis and others, for relief;

Referred to the committee on canals and internal improvements.

By Mr. Dunbar, of citizens of Jackson county, on the subject of obstructions in the navigation of the East Fork of White River;

Referred to the same select committee to which similar petitions were referred yesterday.

By Mr. Matheny, of John Blanten and others, on the subject of a State road;

Which was referred to the committee on roads.

The Speaker laid before the House a report from George H. Dunn, on the subject of expenditures in the improvement of the Treasury buildings;

Which was referred to the committee on public buildings.

The resolution of the Senate to go into the election of circuit judge and Prosecuting Attorneys, &c., was taken up and laid upon the table.

Mr. Marshall, from the judiciary committee, made the following report:

MR. SPEAKER—

The judiciary committee to which was referred a bill of the House No. 5, entitled, "a bill to repeal an act to amend an act entitled an act

to prohibit the amalgamation of whites and blacks, approved January 14, 1841," have had that subject under consideration and directed me to report the same back to the House without amendment, and recommend its indefinite postponement.

Which was concurred in by the House, and the said bill No. 5 was indefinitely postponed.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER—

The judiciary committee to which was referred the petition of David Kearns and others, praying that an amount of compensation to the publishers of newspapers for certain advertisements, may be fixed by law, have had that subject under consideration, and have directed me to report, that in the opinion of said committee, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER—

The judiciary committee to which was referred a bill of the House (No. 7) entitled, "a bill to extend the time of holding Probate Courts in Knox county," have had that subject under consideration, and have directed me to report the same back to the House without amendment and recommend its passage.

No. 7—A bill to extend the time of holding Probate Courts in Knox county;

And said bill was ordered to be engrossed for a third reading.

Mr. Marshall, from the committee on the judiciary, made the following report:

MR. SPEAKER—

The judiciary committee to which was referred the following petitions, praying for divorces, viz:

1. The petition of Hugh McCullough;
2. The petition of Thomas and Sarah Horrell;
3. The petition of Thomas T. Perry;

Have had the same under consideration, and have directed me to report, that it is, in the opinion of said committee, inexpedient to further legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Leslie, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to which was referred a petition and remonstrance of sundry citizens of Wells county, concerning the relocation of a State road that leads from Bluffton to Huntington, have, according to order, had that subject under consideration, and directed me to report that, in the opinion of your committee, it is inexpedient to legislate upon that subject, and therefore ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Leslie, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to which was referred the petition of sundry citizens of Ripley county, praying for a change in the State road leading from Madison, in Jefferson county, by way of Cross Plains, in Ripley county, to Lawrenceburgh in Dearborn county, have, according to order, had that subject under consideration, and directed me to report that, owing to the fact that the said petition has not been signed by the requisite number of freeholders, nor verified in the manner prescribed by the statute, in such case made and provided, the said committee deem it inexpedient to legislate upon that subject, and therefore ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Leslie, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to which was referred the petition of sundry citizens of Clay county, praying for the location of a State road therein named, have, according to order, had that subject under consideration, and directed me to report that, owing to the fact that the said petition has not been verified in the manner prescribed by statute, in such case made and provided, the said committee deem it inexpedient to legislate upon that subject, and therefore ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

On motion of Mr. Yocum,

The petition was re-committed to a select committee of Messrs. Yocum, Davis of S., and Hodges.

Mr. Chrisman, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to which was referred the petition of Ebenezer Thompson and other citizens of Huntington county, praying for the passage of a law authorising the canal commissioners in charge of the Wabash and Erie canal, to construct a bridge across Clear creek, in said county, at the expense of the State, have, according to order, had the same under consideration, and directed me to report the same back to the House, and recommend its reference to the committee on canals and internal improvements; and ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged.

Mr. Runyon, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to whom was referred the petition of Paul M. Coon and others, praying this legislature to grant Paul M. Coon and others a charter to construct a toll bridge over the Wabash river, on the State road leading from the county seat of Wabash county to Marion, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its reference to the committee on corporations, believing that committee to be the proper one to act on subjects of that petition, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Montgomery, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of Wm. W. Smith and others, members of a military company, known as the "Orange Guards," have had the same under consideration, and directed me to report the accompanying bill, in compliance with the request of the petitioners.

No. 39, a bill to amend an act to incorporate the Orange Guards; read first time and passed to a second reading.

Mr. Dunbar, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred the report of the Secretary of State, in answer to a resolution of the House, requesting information of the number of copies of the Laws of Congress, which

are annually transmitted to this State from Washington City; and, also, what disposition is made of them, when they arrive at Indianapolis, &c., have had the subject referred to them, under consideration, and have directed me to report the following joint resolution thereon:

No. 41—a joint resolution to provide for distributing the acts of Congress, deposited in the office of Secretary of State.

Read a first time, and passed to a second reading to-morrow.

Mr. Rawlings, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Nancy Close and others, praying for relief, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 40—a bill for the relief of Nancy Close, wife of Samuel Close, deceased;

Read a first time, and passed to a second reading.

On motion of Mr. Thompson of F.,

The resolution in relation to a public printer, was taken from the table.

Mr. Hannegan moved the previous question;

Which motion was not seconded by a majority of all the members present.

Mr. Robinson of C. offered the following amendment: "And also to inquire in what manner the public printing has been done;"

Which amendment prevailed.

Mr. Montgomery moved to amend as follows:

That a committee of five be appointed to ascertain the reasons why all the officers of State have not made their annual reports to this House, and also to inquire if the public printers are faithfully discharging their duties, and report the facts to the House.

Mr. Stratton moved to amend the amendment as follows: amend by adding thereto—"to inquire into the expediency of repealing the act under which said State printers were elected, entitled an act to amend an act entitled, an act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839;"—approved Jan. 21, 1841.

Mr. Lee moved that the resolution and the proposed amendments be indefinitely postponed.

And the ayes and noes being demanded, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of F., Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, May,

Meeker, Montgomery, Murray, Ogden, Rannalls, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdell, Townsend, Williamson, Wines of A., and Wines of V.—48.

Those who voted in the negative were,

Messrs. Barnett of L., Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Cogswell, Cooley, Coon, Davis of S., Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neal, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of C., Saffer, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N. and L., Warriner, Whight, Yocum, and Mr. Speaker—50.

So said resolution and proposed amendments were not postponed.

Mr. Cogswell moved an adjournment,

Which did not prevail.

The question on the amendment to the amendment proposed by Mr. Stratton, was taken and lost.

Mr. Cooper moved to amend the amendment as follows:

"If public printers are considered officers of this House, they have no authority to print the laws and journals after the adjournment of the legislature; the term of their office expires with the adjournment of the legislature."

The question recurring on the amendment of Mr. Montgomery to strike out and insert his proposition,

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Mont., Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Hutton, Lee, Leslie, Marshall, Meeker, Millikin, Montgomery, Murray, Myers, Ogden, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen, Wines of Vigo—49.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gilbert, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Lawrence, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Nelson, Norvell, O'Neal, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Saffer, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson

of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—49.

And so said amendment did prevail.

Mr. Defrees moved to lay the resolution on the table;

And on this motion the ayes and noes were demanded by Messrs. Hannegan and Defrees, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, May, Meeker, Milliken, Montgomery, Murray, Ogden, Proctor, Rand, Rannels, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Sinks, Stratton, Tisdale, Townsend, Williamson and Wines of Vigo—53.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, McAlister, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neal, Peak, Poulson, Ritchey, Robinson of Carroll, Saffer, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—45.

The following reports were made by Mr. Robinson, from the committee on Enrolled bills:

MR. SPEAKER—

The committee on Enrolled bills report that they have compared the enrolled with the engrossed bill of the House, and find the same truly enrolled, to-wit:

No. 3—A bill to re-organize the eighth and to create the twelfth judicial circuit.

Also—

The committee on Enrolled bills has this day presented to the Governor for his signature, the joint resolution, No. 12, in relation to the revenue of Marion county.

On motion of Mr. Brown of Marion,

The resolution of the Senate to go into the election of judicial officers was reciprocated, and Messrs. Leslie and Bowers appointed tellers on the part of the House.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

A message from the Governor by Mr. Kiersted, his private secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed—

No. 12—A joint resolution in relation to the revenue of Marion county;

No. 3—An act reorganizing the eighth and to create the twelfth judicial circuits;

Both of which originated in the House of Representatives.

On motion of Mr. Gorman,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instanter* for the purpose of electing a judge for the 12th circuit, and also Prosecuting Attorneys for the 8th and 12th circuits, and that seats be provided for them on the right of the Speaker's chair.

A message from the Senate by Mr. Maguire their secretary:

MR. SPEAKER—

The Senate has passed, without amendment, a bill of the House of Representatives, entitled,

No. 3—A bill to reorganize the eighth and to create the twelfth judicial circuits.

The Senate now came into the Hall and took seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

The convention then proceeded to ballot for a circuit judge of the 12th judicial circuit, and on counting the first ballot, it appeared that

James W. Borden received	-	-	-	-	77	votes.
Thomas Johnson	"	-	-	-	71	"
Blank	-	-	-	-	1	"

James W. Borden having received a majority of all the votes given, was declared duly elected circuit judge for the 12th judicial circuit, for the term of seven years.

The convention then proceeded to the election of a Prosecuting Attorney for the 8th judicial circuit, and on counting the first ballot, it appeared that

Spear S. Tipton received	- - - - -	62 votes.
William S. Palmer	" - - - - -	55 "
Stewart	" - - - - -	30 "
Blank	- - - - -	1 "

Neither of the gentlemen having received a majority of all the votes given, the convention proceeded to a second balloting, and on counting the votes it appeared that

S. S. Tipton received	- - - - -	68 votes.
W. S. Palmer	" - - - - -	64 "
Stewart	" - - - - -	14 "
Blank	- - - - -	1 "

Neither of the gentlemen having received a majority of all the votes given, the convention then proceeded to ballot a third time, and on counting the ballots, it appeared that

Spear S. Tipton received	- - - - -	82 votes.
William S. Palmer	" - - - - -	65 "
Blank	- - - - -	1 "

Spear S. Tipton having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the 8th judicial circuit, for the term of two years.

The convention then proceeded to the election of a Prosecuting Attorney for the 12th judicial circuit, and on counting the first ballot, it appeared that

W. H. Coombs received	- - - - -	68 votes.
J. R. Dawson	" - - - - -	48 "
L. P. Ferry	" - - - - -	32 "

Neither of the gentlemen having received a majority of all the votes given, the convention proceeded to a second balloting, and on counting the ballots, it appeared that

W. H. Coombs received	- - - - -	74 votes.
J. R. Dawson	" - - - - -	66 "
L. P. Ferry	" - - - - -	7 "

W. H. Coombs having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the 12th judicial circuit for the term of two years.

The convention then adjourned.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DEC. 15, 1841.

The House met according to adjournment.

MR. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled, No. 1, a bill to repeal a part of the revenue laws now in force in Indiana;

Also, a joint resolution of the House of Representatives, respecting sales of personal property on execution, with two amendments;

In which bill of the Senate and amendments to the joint resolution of the House of Representatives, the concurrence of the House of Representatives is requested.

Which said amendments were concurred in by the House.

The Speaker laid before the House a report from the agent of the town of Indianapolis, and keeper of the State House;

Referred to the committee on public buildings.

Also, a report from same officer in relation to expenditures on public buildings;

Referred to the committee on claims.

Also, a statement of the condition of the sinking fund of Indiana;

Which was referred to the committee on the State Bank.

PETITIONS WERE PRESENTED,

By Mr. Wines of Vigo, of Alexander Beard, on a subject therein named;

Which, with accompanying documents, were referred to the committee on canals and internal improvements.

By Mr. Shoup, of citizens of the county of Franklin, in relation to a State road;

Referred to the committee on roads.

By Mr. Devon, of Thomas J. Montgomery, for relief;

Referred to the committee of ways and means.

REPORTS FROM STANDING COMMITTEES.

Mr. Hannegan, from the judiciary committee, made the following report:

MR. SPEAKER—

I am instructed by the committee on the judiciary to report a bill for the relief of the borrowers of the surplus revenue and other funds.

No. 44, a bill for the relief of the borrowers of the surplus revenue and other funds ;

Read a first time (the rules being suspended) and read a second time, laid on the table and 100 copies ordered to be printed.

Mr. Gorman, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred sundry resolutions in relation to abolishing imprisonment for debt, have had the same under consideration, and directed me to report a bill—

No. 42, a bill abolishing imprisonment for debt ;

Read first time and passed to a second reading.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred the petition of Pliny Hudson, praying relief, have had that subject under consideration, and have directed me to report to the House the following bill :

No. 43, a bill for the relief of Pliny Hudson ;

Read a first time, the rules suspended, and read a second time and ordered to be engrossed.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred a resolution directing an inquiry into the expediency of so amending the laws in relation to the surplus revenue, that the county agents having said revenue, may sell bonds mortgaged to the State as security for said money ;

And, also, a resolution directing an inquiry into the expediency of reducing interest for the loan of money, from 10 to 6 per cent. ;

And, also, a resolution directing an inquiry into the expediency of so amending the "act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians," approved February 17th, 1838, that in all sales ordered by said courts, the rents and profits for seven or more years, of all lands and tenements shall first be offered for sale ;

And, also, a resolution directing an inquiry into the expediency of so amending the law that unequal travelling fees shall not be allowed treasurers, constables and other officers ;

And, also, a resolution directing an inquiry into the expediency of

so amending the law that 12 instead of 24 petit jurors be required to be summoned for each week of court,

Have had the several subjects under consideration, and have directed me to report, that it is, in the opinion of the committee, inexpedient to legislate on either of the said subjects, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Gorman, from a select committee, made the following report :

MR. SPEAKER—

The select committee to whom was referred the petition of Dorance B. Woodburn, in relation to the change of a State road in Monroe county, have had that subject under consideration, and directed me to report the following bill :

No. 45, a bill to change a certain State road in Monroe county ;

Read a first time, and passed to a second reading.

Mr. Clark, from a select committee, made the following report :

The committee to whom was referred the resolution directing an inquiry to be made into the expediency of providing by law for the collection of the State and county revenue of Vanderburgh county for the year 1841, have had the same under consideration, and directed me to report a bill upon that subject ;

Read a first and second times (the rules being suspended for that purpose) and ordered to be engrossed for a third reading.

RESOLUTIONS.

On motion of Mr. Grover,

Resolved, That the committee on canals and internal improvements be requested to inquire into the expediency of granting *pre-emption rights* to actual settlers on the lands ceded to the State of Indiana by the United States, for the purpose of constructing the Wabash and Erie canal.

On motion of Mr. Edwards,

Whereas, The unsettled state of our foreign affairs with Great Britain, relative to the North Eastern boundary of the United States, and the seizure and detention of vessels sailing under the flag of the United States, and belonging to citizens of the same, has not been settled satisfactorily, but is still pending—It becomes the duty of honorable, free and independent citizens to be at all times ready to meet and repel any and all foreign aggressions upon our said rights or property, Therefore—

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of so reorganizing the Militia of the State of Indiana, as the honor of the State and the necessity of the case may demand.

On motion of Mr. Shoup,

Resolved, That his Excellency, Samuel Bigger, be requested to inform this House at as early a day as possible, what progress he has made in the compilation and revision of the general statute laws of the State of Indiana, in compliance with the requisitions of an act approved Feb. 4th, 1841.

On motion of Mr. Thompson of Noble,

Resolved, That the committee on Education be instructed to inquire into the expediency of repealing the sixth and seventh sections of an act entitled "An act to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17th, 1838, approved Feb. 15th 1841," and report to this House by bill or otherwise.

On motion of Mr. Wines of V.,

Resolved, That a committee of five be appointed to draft a memorial and joint resolution to the Congress of the United States, asking Congress to make an early appropriation for the completion of the National Road.

Messrs. Wines of V., Percy, Brown of M., Reed and Stratton, were appointed said committee.

On motion of Mr. O'Neill,

Resolved, That the Judiciary committee be instructed to inquire into the constitutionality of an act entitled, "An act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16th, 1839, approved Jan. 21st, 1841:" and that they be instructed to inquire into the expediency of reporting a bill to repeal so much of the above recited act as relates to the election of public printer, and that they report to this House by bill or otherwise.

On motion of Mr. Myers,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the power conferred upon the circuit courts of appointing school examiners, that not more than one in each county shall be professors in the same church, and that no school teacher shall or can be eligible for the station.

Mr. Wines of V. offered the following resolution:

Resolved, That the committee on Canals and Internal Improvements be requested to inquire into the expediency of providing means for the speedy completion of the Cross Cut canal, from the feeder dam in Clay county to Terre Haute in Vigo county.

Mr. Davis of F. offered the following resolution:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of exempting members of fire companies from the payment of poll tax for State purposes;

Which was not adopted.

The Speaker laid before the House a communication from Jesse L. Williams, in relation to the amount of money expended on a part of the New Albany and Vincennes road;

Which was laid on the table.

Also, a communication from the same;

Which communication was laid on the table, and 100 copies ordered to be printed.

JOINT RESOLUTIONS INTRODUCED.

Mr. Harding introduced a memorial and joint resolution.

No. 46—Memorial and joint resolution on the subject of the National Road;

Read a first time and passed to a second reading.

Mr. Saffer introduced a joint resolution, No. 57, relating to a reduction of the public lands;

Read a first time and passed to a second reading.

BILLS INTRODUCED.

By Mr. Robinson of C., No. 47—A bill to amend an act relative to licensing taverns and groceries, approved Feb. 3d, 1832.

Read a first time and passed to a second reading.

By Mr. Edwards, No. 48—An act to amend an act entitled, "An act for the election of county assessors, approved Feb. 10th, 1841."

Read a first time and passed to a second reading.

By Mr. Poulson, No. 49—A bill to regulate the jurisdiction of justices of the peace in the county of Dubois;

Read a first time and passed to a second reading.

By Mr. Chapman of H., No. 50—A bill for the prevention of usury;

Read a first time and passed to a second reading.

By Mr. Hoobler, No. 51—A bill for raising the wages of jurors and witnesses before a justice of the peace;

Read a first time and passed to a second reading.

By Mr. Runyon, bill No. 52—A bill regulating the duties of clerks of the circuit court and county auditors;

Read a first time and passed to a second reading.

By Mr. Garrigus, No. 52—A bill providing for the election of three school commissioners in township No. 14, north of range No. 7, west in Parke county;

Read a first time and passed to a second reading.

By Mr. Dunbar, No. 53—A bill to repeal a joint resolution concerning standing committees;

Read a first time and passed to a second reading.

By Mr. Townsend, No. 54—A bill to amend an act entitled "An act to amend an act, approved Feb. 6th 1837, &c.;"

Read a first time and passed to a second reading.

By Mr. Rooker, No. 55—A bill to create a fund for the support of the poor;

Read a first time and passed to a second reading.

By Mr. Grover, No. 56—A bill to incorporate the Eel river union bridge company;

Read a first and second time by its title, (the rules having been suspended for that purpose,) and

Referred to the committee on Corporations.

On motion, the House took from the table bill No. 25.

Mr. Hannegan moved to strike out the 8th section of the bill,

Which motion prevailed.

Mr. Saffer moved to amend as follows: Strike out the section and insert the following:

Sec. 2. That the sheriff, constable, commissioner, or other officer, in whose hand any execution, or order of sale founded on any judgment or decree may be, shall, at the time he levied on property of any description, proceed to appraise said property according to its true market value, without any additional cost, which valuation he shall insert in his advertisement: *Provided, however,* That if either the execution-plaintiff or defendant is dissatisfied with such appraisement, he, she, or they may have said property re-appraised by three disinterested householders, residents of the county in which such levy is made, to be selected by the officer making such levy, who shall forthwith proceed to make a just and true valuation thereof, in writing, which shall be according to the market value of such property in the ordinary transactions of business; and, to which said valuation the said appraisers shall be sworn by the officer making said levy, who is hereby invested with authority to administer said oath, and which oath shall be in substance as follows: [We, the undersigned, do solemnly swear, or affirm, (as the case may be,) that the property mentioned above is, to the best of our judgments, worth (here insert the value,) being a fair market price at this time, and the same is a just valuation thereof.

Signed _____

Subscribed and sworn to before _____.]

Which said appraisement and execution shall be delivered to the officer making said levy, to be by him returned and filed with the execution under which said levy was made: *Provided further,* That the cost of the said last mentioned appraisement shall be paid by the party at whose instance such appraisement is made.

Mr. Saylor moved to amend the amendment, by striking out market value and insert cash value;

Which did not prevail.

Mr. Robinson of C. moved to amend the amendment as follows:

That the sheriff or other officer making such sale, and the execution plaintiff and the execution defendant shall each choose one of the three said appraisers.

Which was not adopted.

The question recurring on the amendment proposed by Mr. Saffer, was taken, and lost.

On motion of Mr. Henley,

The House resolved itself into committee of the whole House on the bill under consideration, Mr. Marshall in the chair; and after some time spent therein, the committee rose and reported progress, and asked leave to sit again;

Which leave was granted.

On motion the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Message from the Senate, by Mr. Maguire, their Secretary.

MR. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled No. 18, a bill to repeal a portion of a joint resolution, on the subject of the Michigan road lands. In which the concurrence of the House of Representatives is respectfully requested.

Said bill of the Senate was read a first and second time, and referred to the committee on the judiciary.

An engrossed bill of the Senate, No. 21, authorising the associate judges of Ripley county to sit and perform the duties of probate judge in certain cases therein prescribed;

Was taken up and read three several times, (the rules being suspended) and passed.

No. 1—bill of the Senate, to repeal part of the revenue laws now in force, in the State of Indiana;

Read first and second times, and referred to the committee of ways means.

Mr. Clark moved that the amendment of Mr. Goodhue, to the bill supplemental to an act subjecting real and personal property to execution, &c., be printed;

Which did not prevail.

The House then resolved itself into committee of the whole, on the bill supplemental to an act subjecting real and personal property to execution, &c., Mr. Leslie in the chair; after sometime spent, the committee rose again, and Mr. Leslie their chairman, reported that the committee had, according to order, had said bill under consideration, and had proposed sundry amendments, in which he was directed to ask the concurrence of the House.

1st amendment, strike out the word "standard," and insert the word market."

2nd. At the end of the 1st section insert, first deducting all incumbrances.

3d. In the 3d line, second section, after the word description insert, "unless instructed not to do so by the execution defendant or defendants."

4th. After the word in, in the 3d line, 2d section, insert fair and strike out "standard or."

5th. 4th line strike out the word county and insert "township." In same line strike out "three" and insert two, with power to choose a third in case of disagreement.

After the word effect in 4th line, 3d section, insert and the said return of the sheriff or other officer shall be and constitute a lien on all such property as may remain unsold as aforesaid.

At the close of the 4th section insert, "and provided, however, that there shall not be more than one offer to sell under any execution, unless the plaintiff or plaintiffs shall direct such subsequent offer to sell at his or their costs."

"Provided, that in all cases where the sheriff, constable or other officer, shall sell property and receive payment therefor, that in that case the said sheriff, constable, or other officer as aforesaid, shall pay over to the officer issuing the same the amount so received in payment of said property so sold, forthwith."

"And provided, further, that in case said execution (so in the hands of the officer as aforesaid) shall be fully paid or satisfied by sale or otherwise, that it shall in that case, be the duty of the said officer to return said execution and pay over said money so received, forthwith."

Strike out the proviso at the end of the 2nd line of the 5th section.

Strike out the 8th section and insert as follows:

SEC. 8. That upon all executions issued from the circuit or probate courts it shall be at the option of the defendant or defendants to deliver up real or personal property;

Which said amendments were then all separately concurred in by the House.

A message from the Governor by his private secretary, Mr. Kiersted.

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 23, a joint resolution respecting sales of personal property on execution;

Which originated in the House of Representatives.

Mr. Dunbar moved an amendment by inserting the following at the end of the 7th section: "except as above excepted;"

Which was agreed to.

Mr. Cooper moved to amend the bill as follows:

Strike out that part of the 5th section that says, "and provided that no property, either real or personal, shall be sold unless there shall be three or more persons qualified to act as bidders, present at such sale, and who shall have an opportunity of bidding."

Mr. Lawrence here moved the previous question.

The Speaker laid before the House a communication from J. L. Williams;

Which was laid on the table.

Mr. Robinson, from the committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following joint resolution:

No. 23, a joint resolution respecting sales of personal property on execution.

Also, the joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of House of Representatives, and find the same truly enrolled, to wit:

No. 23, a joint resolution respecting sales of personal property on execution.

Mr. Brown of M. asked and obtained a suspension of the rules to offer the following resolution; which was adopted:

Resolved, That the Indianapolis Band be permitted to occupy this Hall on Friday evening next for the purpose of holding a musical concert.

Pending the motion of Mr. L. for the previous question.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING, DEC. 16, 1841.

The House met according to adjournment.

PETITIONS WERE PRESENTED,

By Mr. Brown of M., of citizens of Marion county, praying the repeal of a part of the revenue act of 1841;

Referred to a select committee of Messrs. Brown of M., Harding, and Chapman of H.

By Mr. Millikin, of citizens of Dearborn county, praying the passage of a law abolishing imprisonment for debt;

Which was laid on the table.

By Mr. Brown of M., the petition of Henry Dreyer, praying relief; Which was referred to the committee on canals and internal improvements.

By Mr. Lawrence of citizens of Madison, on the subject of the charter to said town of Madison;

Which was referred to a select committee of Messrs. Lawrence, Marshall and Goodenow.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred the petition of David M'Donald and others, praying that the children and widow of Patrick Eagan, deceased, who was an alien, be secured in the enjoyment of lands purchased by him during his life, have had that subject under consideration, and have directed me to report the following bill, viz :

No. 58, a bill for the relief of Patrick Eagan ;

Read a first time and passed to second reading.

Mr. Brown of M., from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred a resolution instructing said committee to inquire into the expediency of authorising recorders to demand and receive their fees in advance, as also a resolution instructing said committee to inquire into the expediency of so amending the law in relation to recording deeds or mortgages so as to make such deeds and mortgages as may first be filed for record, a lien, &c., have had the same under consideration, and have directed me to report a bill in accordance with the provisions of said resolution :

No. 67, a bill to authorise a special session of the Marion circuit court ;

Read first time, and passed to second reading.

Mr. Brown of M., from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred the petition of the members of fire company No. 1, in the town of Fort Wayne, have had the same under consideration, and directed me to report the following bill :

No. 59, a bill for the relief of the members of fire company No. 1, in Fort Wayne ;

Read a first time and passed to a second reading.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred the petition of

Elijah Eads and others, praying that the widow and children of Patrick Rush, who died an alien, be secured in the enjoyment of his real estate, have had that subject under consideration, and have directed me to report the following bill, viz :

No. 61, a bill for the relief of Patrick Rush.

Read a first time, and passed to a second reading.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER—

The judiciary committee, to which was referred a resolution directing an inquiry into the expediency of so amending the sixth section of the act entitled an act concerning proceedings in ejectment, and for the relief of occupying claimants of land, so that the occupying claimant shall elect whether he will pay the successful claimant of land the value of the land without the improvements ;

And, also, several resolutions directing an inquiry into the expediency of so amending the law relative to the election of assessors, so that there shall be one assessor for each township, and resident therein :

And, also, a resolution directing an inquiry into the expediency of so amending the law, that in all actions before justices of the peace, where judgment is recovered for less than five dollars, the plaintiff shall recover no more costs than the amount of such judgment—

Have had the several subjects under consideration, and have directed me to report that, in the opinion of the committee, it is inexpedient to legislate on either of the said subjects, and to ask to be discharged from the further consideration thereof ;

Which was concurred in, except the first resolution, which was referred to a select committee of Messrs. Simonson, Grover, Mitchell, Murray and Chapman of L.

Mr. Hannegan, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER—

I am instructed by the committee on canals and internal improvements to report a bill for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute.

No. 62, a bill for the completion of the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute ;

Read a first and second times, laid on the table, and 100 copies ordered to be printed.

Mr. Yocum, from a select committee, made the following report :

MR. SPEAKER—

The select committee, to whom was referred the petition from the

citizens of Clay county, on the subject of a State road, have had the same under consideration, and directed me to report a bill—

No. 64, a bill locating a State road in Clay county;

Read a first time and passed to a second reading.

Mr. Gorman, from a select committee, made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of Sam'l Snoddy and others, asking for relief, in the premises, have had that subject under consideration and directed me to report the following bill:

No. 63—A bill for the relief of Samuel Snoddy;

Read a first time and passed to a second reading.

On motion of Mr. Chapman of Laporte,

Resolved, That the committee on the judiciary be instructed to inquire if the courts of this State will have jurisdiction in actions by and against the assignees' bankrupts under the existing laws, and if they shall be of opinion that said courts will not have jurisdiction, that they inquire into the expediency of passing an act confirming the same.

On motion of Mr. Edwards,

Resolved, That the use of this Hall be granted to the Rev. E. B. Mann for the purpose of delivering four lectures, on Sunday, 19th inst., at 11 o'clock, A. M., and 6 o'clock, P. M., and at 6 o'clock, P. M., on Monday and Tuesday following.

On motion of Mr. Myers,

Resolved, That that the committee on the judiciary be instructed to inquire into the expediency of amending the 15th section of the practice act, so that the suit of each class shall be inserted by the clerk upon his court docket according to the priority of their commencement, without changing the rotation of business as therein provided for.

Mr. Cooper offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of setting apart the amount of the proceeds arising from the sale of public lands which the State of Indiana may receive to her part, in pursuance of an act passed at the first session of the 27th Congress, entitled, an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, for the purpose of paying the debt the State of Indiana owes the State Bank; with leave to report by bill or otherwise.

Mr. Henley moved to amend the resolution by striking out from the resolving clause and insert the following:

"To inquire into the expediency of appropriating the proceeds of the public land sales to which Indiana may be entitled, &c., to the benefit of those counties in the State which have had no participation in the system of Internal Improvement."

Which was not adopted.

Mr. Simonson moved to amend the resolution as follows:

"To report a joint resolution instructing our Senators, &c., to procure the passage of an act of Congress authorizing the sale of the public lands in Indiana to the State, reserving to settlers their pre-emption rights;"

Which amendment was not adopted.

Mr. Bradley moved to amend the resolution as follows:

Which was adopted.

Mr. Edwards offered the following amendment:

"That the committee of ways and means report a bill distributing the proceeds of the sales of public lands to the several counties."

Which amendment was also lost.

Mr. Robinson of Carroll moved the said resolution and amendment be indefinitely postponed;

Pending which motion,

On motion of Mr. Shoup,

The said resolution and amendment was laid on the table.

On motion of Mr. Chapman of Hancock,

Resolved, That the committee of ways and means be requested to inquire into the propriety of printing a sufficient number of copies of the laws of the State of Indiana in the German language, so as to place one copy at least in each county library in the State; and report by bill or otherwise.

On motion of Mr. Williamson,

Resolved, That the committee on education be instructed to inquire into the expediency of amending the school law so as to allow the inhabitants of school districts bordering on the lines of this State, to draw the dividend of the school fund when they shall have sent to school in an adjoining State, for the want of a school in the district where they reside, that they would be entitled to by having sent to school in any adjoining district in this State.

On motion of Mr. Grover,

Resolved, That the committee on ways and means be requested to inquire into the expediency of repealing "an act supplemental to an act pointing out the mode of levying taxes," approved February 15th, 1841, levying a tax on canal lands.

On motion of Mr. Chrisman,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of exempting all those who have actually performed service in the late war with Great Britain from paying a poll tax.

On motion of Mr. Harding,

Resolved, That Jesse L. Williams, chief engineer, be requested to report to this House, a full statement of the amount already expended on the Madison and Indianapolis railroad, between Vernon and Edinburgh, and the probable amount that it will cost to complete that portion of said work, in addition to the unexpended balance of the last appropriation of four hundred thousand dollars; and also, to

report what amount of said last mentioned appropriation remains unexpended, and the precise situation of said work.

On motion of Mr. Cotton,

Resolved, That a committee consisting of the members from the 4th judicial circuit, be appointed, whose duty it shall be to inquire into the expediency of changing the times of holding circuit and probate courts therein, with leave to report by bill or otherwise.

On motion of Mr. O'Neal,

Resolved, That a committee of three, be appointed to inquire into the cause of the delay of furnishing the Rules to the members of this House, and that they report the cause thereof.

On motion of Mr. Bearss,

Resolved, That the committee on canals and internal improvements inquire into the expediency of extending an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840.

On motion of Mr. Robinson of R.,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law in regard to school lands forfeited to the State, so as to allow the original owner the right to redeem said land, by paying in one year from the time of sale, by paying the amount that the land sold for, with the costs and interest, at the rate of ten per cent. per annum; with leave to report by bill or otherwise.

On motion of Mr. Clements,

Resolved, That the judiciary committee, be instructed to inquire into the expediency of providing by law, that the several counties of this State (who have not) shall procure asylums for the poor of their respective counties, as soon as practicable; and report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Wines of A.. No. 65, a bill amending an act entitled, an act to authorize the payment of contractors on the Watash and Erie canal, east of the mouth of Tippecanoe river, approved February 15, 1841.

Read a first and second time, and passed to a third reading.

By Mr. Shoup, No. 66, a bill for the relief of Wm. McClure. Read a first time and passed to a second reading.

By Mr. Brown of M., No. 67, a bill to authorize a special session of the Marion circuit court.

Read a first time and passed to a second reading.

By Mr. Rooker; No. 68—A bill to provide for a cheaper mode of assessing Hamilton county;

Read a first time and passed to a second reading.

The House proceeded to the consideration of the

ORDERS OF THE DAY.

The first thing in the order was the question at the adjournment last evening, being a call for the previous question by Mr. Lawrence on the bill.

The previous question was then put and seconded by a majority of all the members present.

The question was, shall the main question be now put?

Which was decided in the affirmative.

And on the question,

Shall the bill be considered as engrossed, and read a third time now?

And the ayes and noes being demanded by Messrs. Hannegan and Lawrence, were as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Marion, Butler, Chrisman, Clements, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Hobbler, Hutton, Lawrence, Lee, Lingle, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Rand, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Saylor, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Whight, William-son, Wines of Allen, Yocum and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Davis of Floyd, Edwards, Foulk, Goodenow, Goodhue, Hackleman, Henley, Howard, Leslie, May, Monroe, Proctor, Rawlings, Ritchey, Runyon, Shively, Simonson, and Warriner—24.

The next question was, shall the bill pass?

Mr. Davis of Floyd moved to commit the bill with the following instructions:

"4th section, strike out in 2d line 180 days and insert 120 days; 3d line, strike out two and insert three; 4th section, 5th line, strike out 120 days and insert 90 days; same section, 6th line, strike out three and insert four."

Mr. Ritchey moved the following amendment:

After the word courts in the 1st line of 4th section add, "or any justice of the peace;" and strike out all after the word months in the fourth line.

Mr. Bradley moved to amend the amendment as follows:

Strike out the whole bill from 1st section.

And upon this question the ayes and noes were demanded, and are as follows:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Cooper, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Foulk, Goodenow, Goodhue, Howard, Marsh, May, Monroe, Proctor, Rannells, Rawlings, Runyon, Tisdale and Warriner—22.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Brown of M., Butler, Chapman of H., Chrisman, Clements, Cogswell, Cooley, Coon, Cotton, Dunbar, Edwards, Ellis, Foley, Frink, Garrigus, Gilbert, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, Matheny, McAlister, Milliken, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Poulson, Rand, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Townsend, Whight, Williamson, Wines of Vigo, Yocum and Mr. Speaker—70.

So said amendment was not adopted.

The question then recurring on the amendment to the instructions proposed by Mr. Davis of Floyd, and the ayes and noes being demanded by two members, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Chapman of Hancock, Cooley, Goodhue, Gorman, Hendricks, Hutton, Monroe, Ritchey, Whight, Yocum and Mr. Speaker—11.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Dearborn, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Hackleman, Hannegan, Harding, Henley, Hodges, Hoobler, Howard, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neal, Peak, Poulson, Proctor, Rand, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble,

Tisdale, Townsend, Warriner, Williamson, Wines of Allen and Wines of Vigo—83.

Mr. Ritchey moved to amend the instructions as follows:

"With instructions to provide for a stay of one year on all judgments where the defendant gives approved security, and in cases where no such security is given, then to provide as by the bill."

Mr. Norvell moved to amend the amendment as follows:

"Resolved, That a stay of 12 months shall be given by the debtor with good and approved security, if required by the creditor; *Provided however*, If the debtor should not be able to procure such security, that his property shall sell for two thirds of its market appraised value."

Which did not prevail.

The question recurring on Mr. Ritchey's amendment, and the ayes and noes being demanded by Messrs. Ritchey and Chapman of Hancock, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Marion, Butler, Chapman of Hancock, Cooley, Deming, Dunbar, Garrigus, Goodhue, Gorman, Harding, Hendricks, Hutton, McAlister, Ritchey, Whight and Yocum—17.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Grover, Hackleman, Hannegan, Henley, Hodges, Hoobler, Howard, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proctor, Rand, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—81.

So said amendment was not adopted.

Mr. Henley moved to amend the instructions as follows:

"That all lands mortgaged to the Sinking fund, the College fund, Surplus Revenue fund, or School fund, shall be exempt from the provisions of this act."

Which amendment was not adopted.

Mr. Brown of M. offered the following amendment to the instructions,

Which was accepted by the mover:

That in all cases where personal property is levied on, and the exe-

cution defendant shall be unable to give bond and security for the delivery of such property, the officer shall proceed to sell the same after having given lawful notice, provided it will bring two-thirds its value.

Mr. Runyon offered the following amendment;

Amend by striking out the 4th section;

Which was not adopted.

Mr. Hannegan moved the previous question,

Which was seconded by a majority of all the members.

Mr. Ritchey moved an adjournment,

Which motion did not prevail.

The question was then put—Shall the bill pass?

And the ayes and noes being demanded by Messrs. Hannegan and Runyon, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Coon, Cotton, Davis of Sullivan, Deming, Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Rannalls, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Sayler, Shoup, Sinks, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Whight, Williamson, Wines of Allen, Wines of Vigo, Yocum, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Cooley, Cooper, Davis of Floyd, Defrees, Devin, Edwards, Foulk, Goodenow, Goodhue, Hackleman, Henley, Howard, May, Monroe, Proctor, Rand, Rawlings, Ritchey, Runyon, Shively, Simonson, Stratton, and Warriner—28;

So said bill passed.

Mr. Goodhue moved to amend the title of the bill so as to make it read,

An act to suspend the further collection of debts;

Which did not prevail.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Robinson, from the joint committee on Enrolled Bills, made the

following report:

MR. SPEAKER—

The committee on Enrolled Bills report that they have compared the enrolled with the engrossed bill of the Senate, and find the same truly enrolled, as follows:

A bill, No. 21—Authorizing the Associate Judges of Ripley county to sit and perform the duties of Probate Judge in certain cases, therein prescribed.

BILLS ON SECOND READING.

No. 34—A bill for the relief of Fanny Howard;
Laid on the table for the present.

No. 32—A bill relating to the jurisdiction of Justices of the Peace in actions by and against corporations;

Read a second time, and referred to the Judiciary committee.

No. 27—A joint resolution in relation to a speedy resumption of specie payments by the State Bank;

Read a second time.

Mr. Gorman moved to amend as follows

Mr. Robinson of C. moved to amend as follows:

Five's on the first day of April, ten's on the first day of June, and the balance of her notes, on the first day of August next;

Which was not adopted.

Mr. Hannegan moved to commit it to a committee of the whole House;

Which motion did not prevail.

On motion of Mr. Marshall,

Said joint resolution was referred to the committee on the State Bank.

No. 25—A bill to repeal an act entitled, "An act to incorporate the town of Princeton";

Read a second time and ordered to be engrossed for a third reading.

No. 26—A bill to incorporate the Greenville band of musicians;

Read a second time and ordered to be engrossed.

No. 28—Joint resolution in relation to the extension of the provisions of the General Bankrupt Law;

Read a second time.

The question on ordering the joint resolution to be engrossed and read a third time, was taken, and the ayes and noes being demanded, are as follows:

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of D., Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell,

Cooley, Coon, Davis of S., Devin, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Marsh, Matheny, McAllister, Milliken, Mitchell, Monroe, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Shiveley, Shoup, Simonson, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Meeker, Montgomery, Murray, Myers, Ogden, Rannalls, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Saylor, Sinks, Snoddy, Stratton, Tisdale, Townsend, Williamson, Wines of Allen, and Wines of Vigo—48.

And so said joint resolution was rejected.

No. 29, an act to revive and amend an act therein named;
Read a second time and referred to the committee on corporations.

No. 30, a bill to reduce the interest on the surplus revenue and other trust funds now loaned by the State of Indiana;

Read a second time and referred to the judiciary committee.

No. 31, a bill regulating the jurisdiction of justices of the peace in the county of Knox.

Mr. Wines of V. moved to include the county of Vigo in the provisions of the bill;

Which was agreed to.

The bill was then read a second time and ordered to be engrossed.

No. 33, a bill to amend an act entitled an act for the promotion of schools and education in Clark's grant, approved February 8, 1838;

Read a second time and referred to the judiciary committee.

No. 11, authorising the issue of five dollar treasury notes for the redemption of fifty dollar treasury notes now in circulation, was taken from the table.

On motion of Mr. Henley,

The bill was committed to a committee of the whole House, Mr. Graham in the chair. After some time spent, the committee rose and reported that the committee had, according to order, that subject under consideration, and had made the following amendment to said bill, in which he was directed to ask the concurrence of the House:

In lines 4 and 5, section 4, strike out the following: "for principal and interest for canal lands sold."

The House then concurred in the amendment of the committee.

Mr. Stratton moved to amend the bill reported from the committee, as follows:

At end of 8th section insert, "Provided, that the plate formerly

used in striking five dollar treasury notes shall be used with such alterations as may seem necessary;"

Which amendment was agreed to.

Mr. Bradley offered the following amendment, proposing to add two additional sections to the bill:

Sec. 10. That there shall be levied, on each 100 dollars of the value of all property entered on the general list for taxation, an annual tax of ten cents, for the purpose of redeeming the treasury notes by this act authorised to be issued. Which tax shall be assessed and collected according to law. And when paid into the treasury, shall be set aside and appropriated to redeem the said treasury notes, as the same may be presented for redemption.

Sec. 11. It shall be the duty of the State treasurer, on the first day of February, in each and every year, to give notice in the public newspapers, published at Indianapolis, of the amount of money levied and collected for the purpose aforesaid, and of his readiness to redeem said notes. And the said treasurer shall thereafter redeem such of said notes as shall in manner aforesaid thereafter be presented, to the extent of the funds in his hands for that purpose.

And upon this amendment the ayes and noes were demanded by Messrs. Bradley and Lee, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bradley, Clark, Davis of F., Defrees, Deming, Devin, Ellis, Lee, Rannalls, Runyon, Sinks, and Wines of A.—14.

Those who voted in the negative were,

Messrs. Barnett of M., Bowers, Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of S., Dunbar, Edwards, Foley, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Marsh, Marshall, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proctor, Rand, Rawlings, Reed, Ritchey, Robinson of C., Robinson of R., Rooker, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Stratton, Thompson of F., Thompson of N. and L., Tisdale, Townsend, Warriner, Whight, Williamson, Wines of V., Yocum, and Mr. Speaker—82.

So the amendment was not adopted.

Mr. Brown of D. offered the following amendment:

Strike out in sixth and seventh lines of fourth section, the words "and all such notes received, except in payment of taxes, may be paid out again in discharge of demands upon the State."

Which was not adopted.

Mr. Wines of A., moved to amend the bill by striking out one-fourth of one per cent. and insert six per cent.

Which proposed amendment did not prevail.

Mr. Rooker moved to commit the bill to the judiciary with instructions to inquire into the constitutionality of the issue of treasury notes as contemplated by the bill.

Pending which motion, Mr. Henley moved the previous question; which motion was seconded by a majority of the House.

The question was, shall the main question be now put?

The ayes and noes on this question were demanded by Messrs. Henley and Gorman, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Poulson, Proctor, Rand, Rawlings, Reed, Robinson of C., Robinson of R., Rooker, Saunders, Sayler, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of F., Townsend, Warriner, Whight, Williamson, Wines of A., Wines of V., Yocum, and Mr. Speaker—82.

Those who voted in the negative were,

Messrs. Barnett of L., Brown of D., Clark, Clements, Cogswell, Foley, Gorman, Leslie, Peak, Rannalls, Runyon, Saffer, Thompson of N. and L., and Tisdale—14.

And so the bill was read a third time now. And then the bill passed.

On motion, the House adjourned till to morrow morning 9 o'clock.

FRIDAY MORNING, DEC. 17, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Jesse L. Williams, in relation to the Wabash and Erie Canal;

Referred to the committee on Canals and Internal Improvements.

The Speaker laid before the House a communication from Samuel Merriweather, Surgeon of the State Prison at Jeffersonville;

Referred to the committee on the State Prison.

The Speaker laid before the House, a communication from Jesse L. Williams, in relation to the White Water Canal;

Referred to the committee on Canals and Internal Improvements.

The House then took from the table a communication, laid before the House on Wednesday last, in relation to Vincennes road.

Mr. Clements moved to lay it on the table and print 100 copies of said report,

Which motion was lost.

On motion of Mr. Chapman of L.,

Referred to the Judiciary committee with instructions.

Mr. Hannegan moved to refer to the committee on Canals and Internal Improvements.

The Speaker laid before the House, the report of the Auditor of State;

Referred to the committee on Ways and Means.

PETITIONS PRESENTED.

By Mr. Hannegan,

Of William Hansford, for the refunding of certain taxes;

Referred to the committee on Ways and Means.

By Mr. Robinson of C.,

On the subject of attaching a part of Tippecanoe county to the county of Carroll; and

Referred to a select committee of Messrs. Robinson of C., Bearss, Deming, Grover, and Sayler.

By Mr. Reed,

Of Thomas Evans, on the part of a religious society of friends;

Referred to a select committee of Messrs. Reed, Foulk, Henley, Hackleman, and Bradley.

By Mr. Warriner,

Of citizens of Lake county, on a subject therein named;

Referred to the committee on Ways and Means.

By Mr. Chrisman,

Of Nicholas Yount and Amy Yount, on a subject therein named;

Referred to the Judiciary committee.

By Mr. O'Neill,

Of citizens of Green county for a Justice of the Peace in the town of Jonesboro, in said county;

Referred to a select committee of Messrs. O'Neill, Snoddy, and Norvell.

By Mr. Brown of D.,

Of E. Dumont, on a subject therein named;

Referred to the committee on Claims.

By Mr. Barnett of L.,

Of Elizabeth Ann McConahan, for a divorce;

Referred to a select committee of Messrs. Barnett of L., Norvell and Lingle.

By Mr. Graham,
Of Geo. Whitman, on the subject of the State road;
Referred to a select committee of Messrs. Graham, Whight and Proctor.

By Mr. Bowers,
Of Mary Ann Bruner, on the subject of a divorce;
Referred to a select committee of Messrs. Bowers, Goodhue, and Hendricks.

The Speaker laid before the House a communication from the Cashier of the bank at Bedford;

Referred to the committee on the State Bank.

Mr. Marshall, from the Judiciary committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to which was referred the petition of Dennis Willey and others, praying that provision may be made for the recording a certain deed therein named, have had that subject under consideration, and have directed me to report the following bill:

No. 70—A bill supplemental to an act entitled, "An act for the prevention of frauds and perjuries";

Read a first time and passed to a second reading.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to which was referred a joint resolution on the subject of an Armory in the West, with instructions to insert a certain amendment therein, have had that subject under consideration, and have directed me to report the same back to the House with the following amendment, to be inserted after the first resolution, viz:

"*And be it further Resolved*, That if said Board do not select the Great Falls of the Wabash river, that they are respectfully requested to examine any and all places in the State of Indiana which may, in their judgment, be deemed suitable to carry out the wishes of the Government upon the subject;

Which amendment was concurred in,

The joint resolution read a third time and passed.

Mr. Montgomery, from the committee on Corporations, made the following report:

MR. SPEAKER—

The committee on Corporations, to whom was referred bill No. 56 of the House, entitled "A bill to incorporate the Eel River Union Bridge company," have had the same under consideration, and made several amendments thereto, which they have directed me to report

to the House, ask its concurrence therein, and recommend the passage of the bill;

Which amendments were severally concurred in by the House, and the bill No. 56 ordered to be engrossed.

Mr. Montgomery, from the committee on corporations made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of J. W. Richard and others, asking that a certain act therein named be revived, have examined the subject and directed me to report a bill in compliance with the request of the petitioners.

No. 71, a bill to revive an act entitled an act to revive an act to incorporate the town of Mooresville, in Morgan county;

Read a first time and passed to a second reading.

Mr. Robinson of C., from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to which was referred the bill of the House No. 29, entitled "an act to revive and amend an act therein named," have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage;

And said bill No. 29 was ordered to be engrossed for a third reading.

Mr. Montgomery, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred bill No. 9 of the House, entitled "a bill to incorporate the first Presbyterian church of Logansport," have examined the same, and directed me to report it back to the House with one amendment, and recommend its passage;

Which amendment was concurred in, and the bill,

No. 9, a bill to incorporate the first Presbyterian church of Logansport, was ordered to be engrossed.

Mr. Cogswell, from the committee on federal relations, made the following report, accompanied with a joint resolution:

The committee on federal relations, to whom was referred a report of a committee of the House of delegates of the State of Maryland, styled "the Committee on Grievances, and Courts of Justice," relative to the surrender of fugitives from justice, have considered the same with the attention which the importance of the subject demands.

The document referred to, is a fair criticism, and in the opinion of this committee a triumphant refutation of doctrines in reference to the right of one State to demand a surrender of fugitives from her justice, of a sister State—doctrines of recent invention, which were not seriously advocated in former times, and which have been adopted in practice for the first time within the last few years. In certain States, the constituted authorities, acting upon the subject of fugitives from the justice of a sister State, have refused to surrender such fugitives charged with acts declared to be crimes by the laws of a State, but not recognised as such by the universal laws of all civilized countries. The committee have examined this doctrine, and given their serious attention to the arguments of its principal advocates, so far as the same have been published, and are of opinion that it is inexpedient for Indiana to “declare also her opinion,” and to signify her devotion to the union of the States, their harmony as sovereignties, and her preference for the letter of the constitution, its reason and spirit, even the metaphysical and moral abstractions by which the above heresy is sought to be sustained.

It might, perhaps, have been well, if the power of demanding fugitives from justice had been vested in the United States; or if the General Government had been made an agent, to enforce demands of fugitives. But the constitution has vested the power of making the demand in the State, whose justice may be offended against, and has made it the *duty* of the State upon whom the demand may be made to surrender the fugitive. Hence the committee infer, that it is the intention of the constitution, that the demanding State should *pro hac vice*, be sovereign, and that the State upon which the demand is made, is bound to meet the constitutional requisition. The municipal power of a State to create crimes by declaring acts, otherwise, and elsewhere innocent, to be such, will not be denied. Differences in local polity make it reasonable to declare that to be a crime in one State, which in another it would be cruel to punish as such. The right to demand a fugitive from justice is no right at all, if the State upon which the demand may be made, be permitted, or will assume to adjudicate upon the criminal character of the act defined as a crime upon the face of the demand. It results that the States must mutually trust each other in reference to the creation of offences, and in reference to the trial of their respective citizens charged with offences against the laws of other States, and that the States in reference to demands of fugitives, must recognise each the laws of the others, confide each in the courts and juries of the others, and each respect the “broad seal” of the others.

Experience has shown that all these may be done without hazard to individual safety or rights, or to the sovereignty of the States. The right is the more sacred, that it is based upon a grant in all respects mutual. If one State to-day is bound in duty to receive and cause to be executed the mandate of a sister State, she may send a letter missive to-morrow in return. Each may in her order be clothed with the *quasi* sovereignty.

And from the mutual jealousies and heart-burnings, growing out of refusals to respect the demands of fugitives, tending to sever the bond by which the States are united together in one grand confederacy. The committee perceive the danger of other evils arising out of the novel assumption above alluded to. If refusals to surrender fugitives from justice should become frequent, the States will, it is to be feared, retaliate upon each other, and a disregard of the demand of fugitives will become general. Each State will thus become a city of refuge for the rogues and felons of all the other States, and a State line will be a strong tower for the robber and the parricide. The committee recommend the passage of the following

JOINT RESOLUTIONS.

Resolved by the General Assembly of the State of Indiana, That each of the United States has a right to declare what acts committed within its borders, shall be held as felonies and crime, and punished as such: and that a demand of a fugitive from the justice of a State, ought to be respected and complied with by the proper authorities upon whom such demand may be made.

Resolved, That in reference to the subject, jealousy will, in the opinion of this Legislature, beget jealousy; and that the mutual confidence of the States will beget mutual justice.

Resolved, That the Governor transmit a copy of this report and resolutions above, to the President of the United States, to the Governor of each State and Territory, and to each senator and representative in Congress, from this State.

No. 72—a joint resolution respecting fugitives from justice.

Read a first time, rules suspended, and read second time; laid on the table, and 300 copies of the report ordered to be printed.

On motion of Mr. Chapman of H.,

Resolved, That the committee on federal relations be instructed to report to this House, a joint resolution, instructing our senators, and requesting our representatives in Congress to use their best endeavors to repeal so much of the tariff laws of the United States, as imposes duties on salt, and all other absolute necessities of life.

On motion of Mr. Runyon,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue laws, as to exempt from taxation any and all improvements on lands, except on buildings over the value of five hundred dollars, with leave to report by bill or otherwise.

On motion of Mr. Mitchell,

Resolved, That Jesse L. Williams, chief engineer, &c., report to this House without delay the amount which has been expended on that part of the Madison and Indianapolis Railroad south of the depot, commonly called the “deep diggings,” between the first day of March and the first day of December of the present year.

Also, that he describe the contracts which have been made on that part of said Railroad above referred to, with a list of prices; and whether any of said contracts were paid in State bonds; and if so, were the prices in said contract more than a fair cash value for the work. And also, that he report what number of laborers, horses, &c., have been and now are employed by the agents of the State on the part of said railroad above described, from the first day of March last. Also stating the amount of business which has been done on that portion of the road, and whether it is now in use.

On motion of Mr. Townsend,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of creating a sinking fund from our suspended debt, oil and candle factory, tolls from all sources, Wabash & Erie canal lands, and from all other sources, excepting the college and common school funds, the money to be distributed with the counties of this State agreeably to the census of 1840, and be loaned out to the people of the respective counties for a period of five years on mortgage of real estate, one-fifth to be paid annually at a certain per centum; and the interest arising therefrom to be applied to the payment of the interest on our public debt. Said per centum on said moneys to be paid in advance—with leave to report by bill or otherwise.

On motion of Mr. Milliken,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law defining and regulating privilege, that probate judges be privileged from arrest while holding courts, going to or coming therefrom.

On motion of Mr. Myers,

Whereas, In the year 1804, a township of land was donated by Congress for the special benefit of a seminary of learning in the Vincennes land district, and the legislature of the territory in 1807 incorporated a university with trustees having power to sell a portion and control said land, and for the use thereof, and whereas, the portion of said land not sold by said trustees, was transferred to the benefit of a State seminary when Indiana became a State, and thus neglected and crippled, said university was virtually abandoned by its trustees, when in 1824 it was adopted as a county seminary of Knox county; and by an act approved February 12th, 1825, this special act of 1824 was repealed, and the institution was brought under the general law regulating county seminaries, with which the people were content. And *whereas*, the legislature in 1837 authorised the circuit courts to appoint trustees for said seminary, and in 1838 an act was passed authorising the election of trustees, and at the same session the forfeited charter of the old university was received by the trustees of which the county seminary building and lot thereunto belonging were sold, and it is believed the proceeds of said sale not yet sanctioned by the board doing county business or the county trustees should be instantly handed over for the use and benefit of the people of Knox county to erect a more suitable county seminary—therefore,

Resolved, That the committee on education be instructed to inquire into the expediency of ordering the sale aforesaid to be sanctioned, and the proceeds thereof to be instantly paid over to the proper officer or officers under the direction of the board doing county business as a county Seminary fund.

Mr. Robinson, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to his excellency the Governor for his approval and signature, the following entitled act, to-wit:

An act, No. 21—Authorizing the Associate Judges of the county of Ripley to sit and perform the duties of Probate Judge in certain cases therein prescribed.

On motion of Mr. Robinson of Carroll,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law for pre-emption rights to the actual settlers on canal lands in this State; with leave to report by bill.

On motion of Mr. Hoobler,

Resolved, That the committee on roads inquire into the expediency of appropriating so much of the three per cent. funds to each county in the State as it may seem proper for the use and benefit of public roads and highways; and report by bill or otherwise.

Mr. Gorman offered the following resolution:

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of fixing the time for the State Bank and Branches to resume specie payment on her five dollar notes the first day of May, on the tens the first day of June, and on all other sums the first day of July; *Provided*, That the Cashier of any Branch or the President of the mother Bank, if they have just reason to believe that the person or persons presenting notes at their counter for specie payment are not residents of this State, or being a resident of the State to be the agent, or acting for any Bank or Banking company or Broker, of any State which is not paying specie for their notes, shall be authorized to swear such person or persons, whether they are acting for any such institutions aforesaid; if so, they may refuse specie payment, but not to be permitted to refuse payment in gold or silver to any of the citizens of this State.

Mr. Edwards moved April, June and August as the periods for resumption.

Mr. Davis of Floyd proposed to amend the amendment as follows:

“If the Banks of the States of Ohio and Kentucky shall have resumed specie payments to the same extent against that time.”

Which was lost.

Mr. Runyon proposed to amend the amendment as follows:

“Be it further resolved, That it is the duty of the State previous to

the passage of any law requiring the Bank to resume specie payment to pay said Bank in specie, the sum of six hundred and ninety-three thousand one hundred and forty-six dollars, being the amount of specie advanced, including interest, by said Bank to pay interest on the bonds of the State, sold for internal improvement purposes."

Which was lost.

Mr. Wines of Allen moved that 1843 be the period for resumption.

Which was lost.

The question on Mr. Edwards's amendment was then taken and lost.

Mr. Shoup moved to amend as follows:

Strike out from resolving clause and insert: "That the State Bank shall resume specie payment so soon as the Banks in one or more of the adjacent States shall resume."

Which did not prevail.

Mr. Davis of Floyd moved to amend as follows:

"If the State shall have paid the debt due by her to the Bank in gold or silver by that time."

Which was also lost.

Mr. Foulk moved to amend as follows:

"At the earliest day at which the Bank of the States west of the Ohio river shall do so."

On motion of Mr. Chapman of Laporte,

The whole subject under consideration, was laid upon the table.

A message from the Senate by Mr. West, a member:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled,

No. 40—An act providing a State Board of Equalization on more economical principles, and to extend the time of payment of State and county revenue.

In which the concurrence of the House of Representatives is respectfully requested.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Ritchey; No. 73—A joint resolution on the subject of repealing or amending the general bankrupt law;

Read a first time and passed to a second reading.

By Mr. Cooper; No. 74—A bill to legalize the marriage of William Gapen and Malinda G. Moore;

Read a first time and passed to a second reading.

By Mr. Wines of Allen; No. 75—A bill to amend an act, &c. authorizing foreigners to hold real estate, &c.;

Read a first time and passed to a second reading.

By Mr. Lee; No. 76—A bill amendatory of an act entitled, an act providing for a more uniform mode of doing county business, &c.;

Read a first time and passed to a second reading.

Mr. Sayler asked and obtained leave to introduce the following resolution:

Resolved, That the President of the State Bank be requested to inform this House by what authority of law the State of Indiana became indebted to the branches of the State Bank in the sum of \$693,196 40, as stated in his printed report, and also whether the interest upon said sum has been received by the branches, and if so in what manner.

By Mr. Brown of Marion; No. 77—A bill to amend an act entitled an act regulating practice in chancery, approved Feb. 10, 1831;

Read first and second times, and referred to the judiciary committee.

The House then proceeded to consider messages from the Senate.

No. 7—A joint resolution on the subject of a resumption of specie payments, &c.;

Read first and second times, and referred to the committee on the State Bank.

No. 40—A bill of the Senate providing a State Board of equalization on more economical principles, and to extend the time of payment of the State and county revenue;

Read a first and second time, and referred to a committee of the Whole for to-morrow.

The House then proceeded to consider the

ORDERS OF THE DAY.

No. 35—A bill for the relief of Charles Percell, late collector of Posey county;

Read a second time, and ordered to be engrossed.

No. 36—A bill to amend an act regulating the jurisdiction and duties of Justices of the Peace, approved Feb. 17, 1838;

Read a second time and referred to the Judiciary committee.

No. 37—A bill to amend an act entitled, "An act regulating the taking up of animals going astray, &c.;"

Read a second time, and referred to the committee on Corporations.

No. 38—A bill to repeal an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Green;

Read a second time, and referred to the committee on Roads.

No. 39—A bill to amend an act to incorporate the Orange Guards;

Read a second time and ordered to be engrossed.

No. 40—A bill for the relief of Nancy Close, wife of Samuel Close, deceased;

Read a second time and ordered to be engrossed.

No. 41—A joint resolution to provide for distributing the acts of

Congress deposited in the office of Secretary of State;

Read a second time, and ordered to be engrossed.

No. 45—A bill to change a certain State road in Monroe county;

Read a second time, and ordered to be engrossed.

A message from the Senate by Mr. Chamberlain, a member:

MR. SPEAKER—

The Senate has passed an engrossed joint resolution thereof, entitled as follows:

No. 7—A joint resolution on the subject of a resumption of specie payments by the States of Ohio, Kentucky and Illinois;

In which the concurrence of the House of Representatives is respectfully requested.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Tunis Quick, the member from the county of Bartholomew, appeared, produced his certificate, was sworn by the Speaker, and took his seat.

No. 46—A memorial and joint resolution on the subject of the National road;

Read a second time, and ordered to be engrossed.

No. 47—An act to amend an act relative to licensing taverns and groceries, approved Feb. 3d, 1832;

Read a second time, and referred to the committee on Ways and Means.

No. 48—A bill to amend an act entitled "An act for the election of county assessors, approved Feb. 10th, 1841;"

Read a second time, and referred to the committee on Ways and Means.

No. 49—A bill to regulate the jurisdiction of Justices of the Peace in the county of Dubois;

Read a second time, and ordered to be engrossed.

No. 50—A bill for the prevention of usury;

Read a second time and referred to the Judiciary committee.

No. 51—A bill for raising the wages of jurors and witnesses before a Justice of the Peace;

Read a second time and referred to the Judiciary committee.

No. 52—A bill providing for the election of three commissioners in school section No. 14, north of range No. 7, west, in Parke county;

Read a second time and ordered to be engrossed.

No. 53—A bill to repeal a joint resolution concerning standing committees;

Read a second time, and

Referred to a select committee of Messrs. Dunbar, Brown of M. and Monroe.

No. 54—A bill to amend an act entitled "An act to amend an act, approved Feb. 6th, 1837, &c.," to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to, &c.;

Read a second time, and referred to the committee of Ways and Means.

No. 55—A bill to create a fund for the support of the poor;

Read a second time and referred to the Judiciary committee.

No. 57—A joint resolution relative to the reduction of the price of the public lands in the State of Indiana;

Read a second time and ordered to be engrossed.

No. 58—A bill for the relief of Patrick Eagan;

Read a second time and ordered to be engrossed.

No. 59—A bill for the relief of the members of the fire company No. 1, in Fort Wayne;

Read a second time, and

Referred to a select committee of Messrs. Wines of A., Tisdale, and Marsh.

No. 60—A bill to amend an act entitled "An act defining the duties of Recorders, approved Feb. 17th, 1838;"

Read a second time and referred to the Judiciary committee.

No. 61—A bill for the relief of Patrick Rush;

Read a second time and ordered to be engrossed.

No. 63—A bill for the relief of Samuel Snoddy;

Read a second time and ordered to be engrossed.

No. 64—A bill locating a State road in Clay county;

Read a second time and ordered to be engrossed.

No. 65—A bill amendatory of an act entitled "An act to authorize the payment of contractors on the Wabash and Erie Canal, &c.;"

Read a second time and ordered to be engrossed.

No. 66—A bill for the relief of Wm. M'Clure;

Read a second time and ordered to be engrossed.

No. 67—A bill to authorize a special session of the Marion Circuit Court;

Read a second time, rules suspended, read a third time and passed.

No. 68—A bill to provide for a cheaper mode of assessing Hamilton county;

Read a second time and referred to the committee on Ways and Means.

No. 69—A bill regulating the duties of Clerk of the Circuit Court and County Auditor;

Read a second time and referred to the Judiciary committee.

No. 7—A bill to extend the time for holding Probate Courts in Knox county;

Read a third time and passed.

No. 14—A joint resolution relative to Blackford's Reports in La-grange county;

Read a third time, and on the question, Shall the bill pass? was decided in the negative.

No. 16—A bill to amend an act regulating the times of holding the courts in the second judicial circuit of this State.

No. 18—A bill to regulate the jurisdiction of Justices of the Peace in Green county.

No. 20—A bill to legalize the election of Probate Judge in Laporte county.

No. 21—A bill to regulate the jurisdiction of Justices of the Peace in Hamilton county.

No. 25—A bill to repeal an act entitled "An act to incorporate the town of Princeton.

No. 26—A bill to incorporate the Greenville band of musicians.

No. 31—A bill regulating the jurisdiction of justice of the peace in the counties of Knox and Vigo.

No. 43—A bill for the relief of Pleny Hudson.

No. 45—A bill to provide for the collection of State revenue in Vanderburg, 1841;

Which bills were severally read a third time and passed.

No. 42—A bill to abolish imprisonment for debt;

Mr. Chapman of L. moved to refer the bill to the Judiciary committee with instructions to so amend the bill as to subject choses in action to execution;

Mr. Bradley moved to amend the amendment, with instructions to the same committee to strike out the second section of the bill;

Which was lost.

The question recurring on the amendment proposed by Mr. Chapman of L., and the ayes and noes being demanded thereon by Mr. Nelson and Chapman of L., are as follows.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Davis of Floyd, Devin, Edwards, Ellis, Goodhue, Hackleman, Howard, Leslie, Lingle, Matheny, Montgomery, Quick, Rannalls, Rawlings, Reed, Runyon, Sinks, Stratton and Warriner—26.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Dearborn, Brown of Marion, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Defrees, Deming, Dunbar, Foley, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, May, M'Allister, Meeker, Milliken, Mitchell,

Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffier, Saunders, Saylor, Shiveley, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Whight, Williamson, Wines of Allen, Wines of Vigo and Yocum—72.

So the proposed amendment was not adopted.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded on this question by Messrs. Gorman and Robinson of C.

Mr. Montgomery moved an adjournment;

Which was lost.

Mr. Goodhue renewed the motion to adjourn;

Which was also lost.

The question was then taken on the passage of the bill, and is as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, M'Allister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rannalls, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Wines of Allen, Wines of Vigo and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Chapman of Laporte, Howard, Hackleman, Leslie, Lingle, Montgomery, Quick, Sinks and Stratton—11.

And so said bill passed.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 18, 1841.

The House met according to adjournment.

A message from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled as follows, viz:

No. 16—a bill to amend an act entitled an act, to incorporate the town of Greensburgh, in Decatur county.

No. 17—a bill for the establishment of a State road in Fayette county.

No. 19—a bill for the relief of certain person therein named.

No. 27—a bill to vacate an alley in the town of Lebanon, in Boon county.

No. 30—a bill to compel speculators to pay a road tax equal to that paid by actual settlers.

No. 32—a bill to repeal an act entitled an act, incorporating the Washington county Seminary, approved Jan. 24, 1827.

No. 33—a bill to provide for changing the time of holding the probate courts in the county of Orange.

No. 35—a bill to amend an act, entitled an act, to amend an act regulating the mode of doing county business in the several counties in this State, approved Feb. 15, 1840.

In which several bills the concurrence of the House of Representatives is most respectfully requested.

The Speaker laid before the House a communication from Jesse L. Williams, estimating the cost of the Wabash and Erie canal, &c.

Referred to the committee on canals and Internal Improvements;

Also, from the same gentlemen, in reply to information called for by the House on the subject of the White Water canal.

Mr. Shoup moved to lay the communication on the table and print 100 copies thereof;

Which did not prevail

The communication was then referred to the committee on canals and Internal Improvements.

PETITIONS WERE PRESENTED.

By Mr. Quick, of citizens of Bartholomew, Decatur and Shelby, on the subject of a road,

Referred to a select committee of,

Messrs. Quick, Bowers and Harding.

By Mr. Hodges, of Perry Kelley on the subject of a divorce.

Referred to a select committee of,

Messrs. Hodges, Davis of S., and Yocum.

Mr. Hannegan from the committee on canals and Internal Improvements, made the following report:

MR. SPEAKER—

The committee on canals and Internal Improvements, to which was referred a resolution on the subject, have instructed me to report the following bill:

No. 78—a bill supplemental to the act for the selection, rating, &c., of the Wabash and Erie canal lands,

Read first time and passed to a second reading.

Mr. Brown of D., from the committee on canals and Internal Improvements, made the following report:

MR. SPEAKER—

The committee on canals and Internal Improvements to whom were referred a preamble and resolution, respecting a supposed insufficiency of water by the St. Josephs feeder, for the supply of that portion of the Wabash and Erie canal dependent thereon, until a feeder be introduced by construction of a portion of the Erie and Michigan canal therein mentioned, and instructing this committee to enquire into the expediency of introducing a bill authorizing a tax to be imposed on certain counties named therein, for the purpose of such construction, have had the subject under consideration, and now report in part, by asking the House to adopt the following resolution:

Resolved, That Jesse L. Williams, chief engineer, be furnished with a copy of said preamble, and that he be directed to report to this House whether danger is to be apprehended that the St. Josephs feeder will fail to supply a sufficiency of water for so much of the Wabash and Erie canal as depends upon that feeder for supply—whether the construction of that portion of the Erie and Michigan canal contemplated in the preamble aforesaid, be requisite to remedy the deficiency, if it exist in his opinion, and the estimated cost of such work.

Mr. Montgomery from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 37, entitled a bill, to amend an act, entitled an act, regulating the taking up of animals going estray, and water crafts and other articles of value going adrift, approved, Feb. 15, 1841;

Have had the same under consideration, and directed me to report the same back to the House, with one amendment, and recommend its passage;

Which amendment was concurred in by the House, and ordered to be engrossed.

Mr. Gorman from the judiciary committee asked and obtained leave to make the following report:

MR. SPEAKER—

The judiciary committee to which was referred a bill of the Senate to repeal a portion of a joint resolution, on the subject of the Michigan road lands, approved Feb. 15, 1841;

Have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

No. 18—an engrossed bill of the Senate, ordered to a third reading on to-morrow.

Mr. Cooper, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom were referred the petition of Nathaniel Head and others, have had that subject under consideration, and they have directed me to report a bill; and the committee further refer the House to the petition and vouchers, produced on that subject.

No. 79—a bill for the relief of the heirs at law of George Knox.

Read a first time and passed to a second reading.

Mr. Dunbar, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred bill No. 53, entitled, a bill to repeal a joint resolution concerning standing committees, have had the same under consideration, and have directed me to report the same back to the House with two amendments, and ask the concurrence of the House therein.

The House then concurred therein.

And the bill ordered to be engrossed for a third reading.

Mr. Reed, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of the religious society of Friends, of the Indiana Yearly Meeting, from their meeting for sufferings held near Richmond, in Wayne county, Sept. 27, 1841, have had the same under consideration, and have instruct-

ed me to report the following bill, and ask that the committee be discharged from the further consideration of the subject.

No. 80—a bill to amend an act entitled, an act relative to fugitives from labor.

Which was read a first and second time, (the rules being suspended) and referred to the judiciary committee.

Mr. O'Neill, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of certain citizens of Jackson township, in Green county, for the election of a justice of the peace in the town of Jonesborough, in said county, have had the same under consideration, and instructed me to report the following bill:

No. 81—a bill to provide for the election of a justice of the peace in the town of Jonesborough, in Green county;

Read a first time, and passed to a second reading.

Mr. Brown, from a select committee, made the following report:

MR. SPEAKER—

The committee to which was referred the petition of E. Browning and other citizens of Marion county, praying the repeal of part of the revenue law of 1841, as relates to that part of said law on the subject of licensing groceries and taverns, have had that subject under consideration, and have directed me to report the following bill:

No. 82—a bill in relation to licensing taverns and groceries;

Read first and second times, (the rules being suspended) and ordered to be engrossed.

On motion of Mr. Garrigus,

Resolved, That the committee on education be instructed to inquire into the expediency of repealing the third and fourth sections of the act entitled, an act to provide for the better regulation of the Indiana University, approved February 15, 1841, and report by bill or otherwise.

Mr. May offered the following resolution:

Resolved, That the committee on the judiciary be, and they are hereby requested to inquire into the expediency of so amending the 81st section of the act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, so that whenever judgment shall be rendered by the circuit court, against the principal on an appeal from the judgment of the justice, it shall at the same time, and in like manner, be entered against the security in the appeal bond, to report by bill or otherwise.

Which was not adopted.

On motion of Mr. Goodhue,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to this House, providing

for the punishment of frauds, and subjecting equitable titles and choses in action to execution.

Mr. Clark offered the following resolution:

Resolved, That the judiciary committee be required to report a bill to this House, repealing the law now in force, authorizing the issuing of writs of *ne exeat*, and also all laws authorizing bail to be required in any civil case, and to provide for proceeding against the property of persons about to abscond on the creditor giving sufficient bond and security to the debtor; and also to inquire into the expediency of repealing all laws for the collection of debts that may be contracted after the fourth day of July next; and also, to provide for the discharge of debtors from liability to arrest by their special bail.

Mr. Montgomery moved to amend the resolution, by inquiring into the expediency.

Mr. Saylor moved to amend the amendment, repealing all laws for the collection of debts, until the 4th of July,

Which was lost.

Mr. Milliken moved to amend the amendment as follows:

Insert in its proper place, "and inquire into the expediency of *rubbing out* all claims, and let this be the year of jubilee."

On motion of Mr. Henley,

Said resolution and proposed amendments were laid on the table.

On motion of Mr. Devin,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending an act entitled, an act pointing out the mode of levying taxes, approved Feb. 12, 1841, so as to authorise the assessors to administer the several oaths or affirmations therein provided for, with leave to report by bill or otherwise.

Mr. Howard offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue laws of this State, as to provide, that the State and county revenue in the respective counties of this State, shall be collected by township collectors, who shall pay the same over to the county treasurer, whose duty shall be to settle as now provided by law with the county auditor, and the auditor of State; and also, to provide that the board of commissioners doing county business in each county, shall constitute the board of equalization in their respective counties; and further to provide, that the assessments and appraisements of property for the purposes of taxation, shall be made by township assessors, to be elected by the people, at their respective township elections, with leave to report by bill or otherwise.

Which was not adopted.

On motion of Mr. Harding,

Resolved, That the public printer be directed to print the Governor's message, and insert it in the printed journal of the House.

Mr. Howard offered the following resolution;

Resolved, That the committee of ways and means be instructed to

inquire into the expediency of so amending the revenue laws of this State, as to provide that the office of county auditor be abolished, and the duties of said office be performed by the respective clerks of the circuit courts without compensation therefor, than the allowance for extra services now made them by law, with leave to report by bill or otherwise,

Which was not adopted.

On motion of Mr. Robinson of R.,

Resolved, That the committee on military affairs be required to report to this House, at as early a day as possible, a bill to re-organize the militia of this State, with such amendments as they may think expedient to the present, with leave to report by bill or otherwise.

On motion of Mr. Wines of A.,

Resolved, That the auditor of State report to this House, whether he has complied with the requisitions of the 49th section of the act prescribing the duties of county auditors; and if so, that he lay before this House, for the use of its members, a copy of such forms and directions as he has in pursuance of said section, prescribed to the county auditors and treasurers.

Mr. Wines of V. offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending that part of the law, which makes it the duty of the different county treasurers, when paying over money or moneys to the State treasurer, to make oath that it was the same money he received for taxes,

Which motion was not adopted.

Mr. Davis of F., offered the following resolution:

Resolved, That the House, (the Senate concurring therein) adjourn on Monday, the 7th day of February next,

Which was laid on the table.

BILLS INTRODUCED.

By Mr. Bradley, No. 83, a bill to authorise the entry of confessed judgments in vacation;

Read first and second times and referred to the judiciary committee.

By Mr. Cooper, No. 79, a bill for the relief of the heirs at law of George Knox;

Read a first time, and passed to a second reading.

The House then took up a message of the Senate, No. 16, an engrossed bill of the Senate, to amend an act entitled, an act to incorporate the town of Greensburg, in Decatur county;

Read a first and second times, and referred to the committee on corporations.

No. 16—a bill of the Senate, to amend an act entitled, an act to incorporate the town of Greenburg, in Decatur county;

Read a first time, and referred to the committee on corporations.

No. 19—a bill for the relief of certain persons therein named;

Read first and second times, and ordered to be engrossed for a third reading.

No. 27, a bill of the Senate to create an alley in the town of Lebanon, Boone county;

Read a first and second time (the rules being suspended) and ordered to be engrossed.

No. 30, a bill of the Senate to compel speculators to pay a road tax equal to that paid by actual settlers;

Read first time and passed to a second reading.

No. 32, a bill of the Senate to repeal an act entitled an act incorporating the Washington county seminary, approved January 24, 1827;

Read first time and passed to a second reading.

No. 33, a bill of the Senate to provide for holding the probate courts in the county of Orange;

Read a first time and passed to a second reading.

No. 35, a bill of the Senate to amend an act entitled an act regulating the mode of doing county business in the several counties;

Read first time and passed to a second reading.

The House proceeded to the

ORDERS OF THE DAY.

Bills of the House—No. 71, a bill to revive an act entitled an act to incorporate the town of Mooresville;

Read second time and ordered to be engrossed for a third reading to-morrow.

No. 73, a joint resolution on the subject of repealing or amending the general bankrupt law;

Read a second time and referred to the committee on federal relations.

No. 74, a bill to legalise the marriage of William Gapen and Ma-linda G. Moore;

Read a second time and ordered to be engrossed for a third reading to-morrow.

No. 75, a bill to amend an act entitled an act authorising aliens and foreigners to hold real estate, &c.;

Read a second time and referred to the committee on the judiciary.

No. 76, a bill amendatory of an act entitled an act providing for a more uniform mode of doing township business, &c.;

Read second time and ordered to be engrossed for a third reading.

No. 9, an engrossed bill to incorporate the first Presbyterian church of Logansport;

Read a third time and passed.

On motion of Mr. Brown of M.,

The vote on the passage of said bill was re-considered.

Mr. Cooper moved to re-commit it to the judiciary committee, with instructions to report a general law on that subject.

Mr. Montgomery moved to amend the instructions as follows:—
Limit the amount of such incorporations to \$15,000.

Pending this motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Hannegan moved a call of the House.

The House was proceeding with the call, when,

On motion of Mr. Henley,

The further call was suspended.

The question on Mr. Montgomery's amendment was taken and lost.

The question then recurred on the instructions of Mr. Cooper;

Which was also lost.

And on the question, Shall the bill pass?

The ayes and noes being demanded by Messrs. Brown of M. and Harding, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Butler, Chapman of Laporte, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foulk, Frink, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Hendricks, Hodges, Howard, Leslie, Lingle, Marsh, Marshall, Matheny, May, Meeker, Mitchell, Murray, Myers, Norvell, Ogden, Proctor, Rannalls, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Sinks, Stratton, Tisdale, Warriner, Williamson, Wines of Allen and Wines of Vigo—60.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Brown of Marion, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Foley, Garrigus, Gilbert, Goodenow, Harding, Henley, Hoobler, Hutton, Lawrence, Lee, M'Allister, Millikin, Monroe, Montgomery, Nelson, O'Neill, Peak, Poulson, Quick, Rand, Rooker, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Whight, Yocum and Mr. Speaker—39.

So said bill passed.

The Speaker laid before the House a communication from William Sheets, Esq.;

Which was laid upon the table.

BILLS ON THIRD READING.

No. 10, a bill to repeal part of the 18th section of an act pointing out the mode of levying taxes, approved February 12, 1841;

Read third time, and,

On motion of Mr. Stratton,

Re-committed to the committee of ways and means, with the following instructions:

Refer it to the committee of ways and means with instructions to strike out the bill from the enacting clause, and so amend the same as to particularly define who shall be considered exchange brokers, and provide that they shall take out a license and pay the sum of fifty dollars for the same.

No. 29, a bill to revive and amend an act therein named;

Read a third time and passed.

The House then adjourned till Monday morning 9 o'clock.

MONDAY MORNING, DEC. 20, 1841.

The House met according to adjournment.

Mr. Proctor, the Representative from the county of Spencer, obtained leave of absence till the 1st of January next.

PETITIONS WERE PRESENTED,

By Mr. Dunbar of John Crabb and others, in relation to a change in the mode of selecting petit jurors in Jackson county;

Referred to a select committee of Messrs. Dunbar, Rawlings and Barnett of L.

By Mr. Millikin, of the county commissioners of Dearborn county, in relation to a bridge across South Hogan;

Referred to a select committee of Messrs. Millikin, Rand and Brown of Dearborn.

By Mr. Cooley, of citizens of Franklin county, on the subject of the common school fund;

Referred to the committee on education.

By Mr. Hackleman, of citizens of Rush county, in relation to a stay law;

Referred to the judiciary committee

By Mr. Hutton, of citizens of Putnam county, in relation to a State road;

Referred to a select committee of Messrs. Hutton, Percy and Shoup.

By Mr. Thompson of Fayette, of John Middleton, for relief;
Which was laid on the table.

Also, of citizens of Fayette county, on subjects therein named;

Referred to the committee of ways and means.

Mr. Foulk presented the proceedings of the Wayne county education society;

Referred to the committee on education.

Mr. Wines of V. made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred a bill of the House, No. 47, to amend an act relative to licensing taverns and groceries, approved February 3d, 1832, have had the same under consideration, and directed me to report—that in their opinion it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof, and that the bill be laid upon the table;

Which report was concurred in.

Mr. Bradley, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred the petition of sundry citizens of the county of Lake, praying an extension of time for the payment of taxes upon Indian reservations, have had that subject under consideration, and have directed me to report the following bill:

No. 84, a bill for the relief of owners of Indian reservations;

Read a 1st time and passed to a second reading to-morrow.

Mr. Bradley, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred a bill to amend an act entitled an "act for the election of county assessors," approved February 18, 1841, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, and recommend that said bill be laid on the table; and ask that the committee be discharged from the further consideration thereof;

Which report was concurred in.

Mr. Goodenow, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred a resolution of the House, directing an inquiry into the expediency of so amending the revenue laws as to exempt from taxation all improvements on lands, except buildings, over the value of five hundred dollars, have, according to order, had that subject under consideration, and directed me to report, that in the opinion of the committee, it is inexpedient to legislate on the subject;

Which was concurred in by the House.

Mr. Goodenow, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred bill of the House No. 54, entitled "a bill to amend an act entitled an act to amend an act approved February 6, 1837, entitled an act to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of congress approved June 23d, 1836," approved February 15th, 1841, have, according to order, had the same under consideration, and directed me to report, that, in the opinion of the committee, any further legislation on that subject is inexpedient, and recommend that the bill be laid on the table;

Which report was concurred in, and the bill laid on the table.

Mr. Hendricks, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred a resolution of this House, requesting an inquiry into the expediency of repealing "an act supplemental to an act pointing out the mode of levying taxes," approved February 15th, 1841, levying a tax on canal lands, have had the same under consideration, and have directed me to report that it would be inexpedient;

Which report was concurred in by the House.

Mr. Davis of F., from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to which was referred bill No. 68 of the House, providing for a cheaper mode of assessing Hamilton county, have had the same under their consideration, and have directed me to report the same back to the House, and recommend that it be laid upon the table, and the committee be discharged from the further consideration of the same;

Which report was concurred in, and the committee discharged.
Mr. Davis, from the same committee, made the following report:

MR. SPEAKER—

The committee on Ways and Means, to whom was referred resolution of the House No. 8, directing an inquiry into the expediency of exempting all persons who have actually performed service in the late war with Great Britain from the payment of poll tax, have had the same under consideration, and have instructed me to report the following bill:

No. 85—A bill to exempt certain persons therein named, from paying a poll tax;

Which was read a first time, and passed to a second reading.

Mr. Davis, from the same committee, made the following report:

MR. SPEAKER—

The committee on Ways and Means, to which was referred bill No. 15 of the House, repealing part of the 19th and also the 20th section of "An act prescribing the duties of County Treasurer, approved Feb. 12th, 1841," have had the same under their consideration, and have directed me to report the same back to the House and recommend that it be laid upon the table, as the same matter has come before the House from the Senate; and the committee ask to be discharged from the further consideration of the same;

Which report was concurred in by the House.

Mr. Henley, from the committee of Ways and Means, made the following report:

MR. SPEAKER—

The committee of Ways and Means, to whom was referred the bill relative to the compensation of members of the Legislature, and the fees and salaries of judicial officers, have directed me to report the same back to the House, and recommend its reference to the committee on the Judiciary;

Which report was concurred in, and the bill referred to the committee on the Judiciary.

Mr. Chapman of L., from the Judiciary committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to whom was referred bill of the House of Representatives, No. 32, entitled "An act relating to the jurisdiction of Justices of the Peace in actions by and against corporations," have had the same under consideration, and have instructed me to report

the same back to the House of Representatives without amendment, and recommend its passage;

And said bill No. 32, was then ordered to be engrossed for a third reading.

Mr. Chapman, from the same committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to whom was referred a resolution of the House, instructing them to inquire into the expediency of so amending the law as to provide that when a defendant, before a Justice of the Peace, shall plead as a defence to any action before such justice, that the title to land will come in question, whereby such Justice may be compelled to certify such cause to the Circuit Court for final trial, the Justice in such case shall not receive or permit such plea to be filed as a defence, unless the truth of the same shall be verified by the affidavit of the defendant, have had the same under consideration, and have directed me to report that they deem it inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same;

Which report was concurred in by the House, and the committee discharged.

Mr. Matheny, from the Judiciary committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to whom was referred a bill of the House, No. 33, entitled, "A bill to amend an act entitled an act for the promotion of schools and education in Clark's Grant, approved Feb. 15, 1838," have had the same under consideration, and have directed me to report the same, without amendment, and recommend its passage;

And the said bill, No. 33, was then ordered to be engrossed for a third reading.

Mr. Brown of M., from the same committee, made the following report:

MR. SPEAKER—

The Judiciary committee, to which was referred a resolution of this House, instructing said committee to inquire into the expediency of repealing the law authorizing a docket fee to be charged in certain judgments therein named, have had that subject under consideration, and have directed me to report that in their opinion it is inexpedient to legislate on the subject, and ask to be discharged from its further consideration;

The House refused to concur in the said report, and

On motion,

The resolution spoken of in the said report, was referred to a select committee of Messrs. Milliken, Barnett of M., Davis of S., Warriner, and Robinson of C.

Mr. Brown of Marion made the following report:

MR. SPEAKER—

The judiciary committee to which was referred a resolution of this House, instructing said committee to inquire into the expediency of so amending the Justice act as to give them further time to record the list of fines and forfeitures returned by Justices of the Peace, have had the same under consideration and have directed me to report the following bill:

No. 86—A bill to amend an act regulating the jurisdiction and duties of Justices of the Peace;

Read a first time and passed to a second reading.

Mr. Brown of Marion, from the same committee, made the following report:

MR. SPEAKER—

The committee on the judiciary to which was committed a bill of this House, entitled, "a bill to amend an act defining the duties of recorders," approved February 17, 1838, have had the same under consideration and have directed me to report the same back, with two amendments, and recommend its passage.

1st. Amend the bill in the 12th line by inserting after the word cents "for each and every sheet of one hundred words of such copies."

2d. Amend the bill in the second section at 12th line after the word the, insert "record of such."

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Leslie, from the standing committee on roads, to which was referred the petition of sundry citizens of Franklin county, the petition of sundry citizens of Elkhart county, together with the petition and remonstrance of the citizens of Morgan county, praying for changes in certain State roads therein named, reported:

That the said committee have according to order had these several subjects under consideration, and from an examination of the laws upon that subject, are of opinion that they are ample and sufficient to vest the county authorities of those counties with the necessary powers to grant the relief prayed for, and therefore they deem it inexpedient to legislate upon that subject.

Which report was concurred in by the House.

Mr. Snoddy, from a select committee, made the following report:

Mr. SPEAKER—

The committee on roads to whom was referred bill No. 38, a bill to repeal an act entitled, an act to provide for opening and repairing public highways in the counties of Owen, Lawrence and Green, have had the same under consideration, and have directed me to report it back to the House without amendment, and recommend its passage.

And said bill No. 38 was then ordered to be engrossed for a third reading.

Mr. Brown of Dearborn, from the committee on the State Bank, made the following report:

Mr. SPEAKER—

The committee on the State Bank to whom was referred a joint resolution from the Senate on the subject of specie payments by the States of Ohio, Kentucky and Illinois, report the same back without amendment, and recommend its passage.

On motion of Mr. Henley,

The joint resolution was considered as engrossed and read a third time now.

And then said joint resolution passed.

Mr. Robinson, from the committee on enrolled bills, made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives and find the same truly enrolled, to-wit:

An act, No. 67—To authorize a special session of the Marion Circuit Court.

Also—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of the Senate and find the same truly enrolled, to-wit:

No. 8—A joint resolution on the subject of the location of an Armory in the West.

Mr. SPEAKER—

The select committee to whom was referred the memorial of sundry citizens of Jackson county, remonstrating against the passage of any law authorising the proprietors of the mills at Lawrenceport, in Lawrence county, to raise their dam across the East Fork of White river, higher than it now is, and also praying the Legislature to take such measures as may compel the proprietors of the mills aforesaid to alter their dam in such a manner that it may not obstruct the navi-

gation of the stream, as it now does, have had the same under consideration, and have directed me to report:

That at the commencement of their investigation of this subject, they were met by a clause in the fourth article of compact, contained in the ordinance of Congress, of the 13th of July, 1787, entitled, "an ordinance for the government of the territory of the United States north-west of the river Ohio," which clause is in the following words: "The navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." The committee also find, by the act of Congress of May 7, 1800, "an act to divide the territory of the United States north-west of the Ohio, into separate governments." That the *first section* constitutes a separate territory, to be called the Indiana territory. The *second section* provides "that there shall be established within the said territory a government, in all respects similar to that provided by the ordinance of Congress, passed on the 13th day of July, 1787, for the government of the territory of the United States north-west of the river Ohio; and the inhabitants thereof shall be entitled to and enjoy all and singular, the rights, privileges, and advantages granted and secured to the people by the said ordinance." In the act of Congress, of February 3, 1809, forming the Illinois territory, the same provisions, in nearly the same words are found.

The committee next turned to an act of Congress, of April 19, 1816; "an act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," and here they find that after providing for the election of a convention to form a constitution and State government, the *fourth section* contains the following *proviso*: "That the same" [constitution and State government] "whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original States and the people and States of the territory north-west of the river Ohio; excepting so much of said articles as relate to the boundaries of the States therein to be formed." This last mentioned act of Congress, the committee find, was accepted and approved of as follows: "*Be it ordained by the representatives of the Territory of Indiana, in convention met at Corydon, on Monday, the tenth of June, in the year of our Lord, eighteen hundred and sixteen*, That we do, for ourselves and our posterity, agree, determine, declare and ordain, that we will and do hereby accept the propositions of the Congress of the United States, as made and contained in their act of the nineteenth day of April, eighteen hundred and sixteen, entitled an act to enable the people of the Indiana Territory to form a State government and constitution,

and for the admission of such State into the Union, on equal footing with the original States."—"and we do, moreover, for ourselves and our posterity, hereby declare and ordain, that this ordinance, and every part thereof, shall forever be and remain irrevocable and inviolate, without the consent of the United States, in Congress assembled, first had and obtained for the alteration thereof, or any part thereof."

By the foregoing enactments, commencing with the ordinance of 1787, when Indiana formed a part of the north-west territory, we find that the navigable waters leading into the Mississippi, &c., were declared common highways, to be forever free, as well to the inhabitants of said territory, as to the citizens of the United States, and those of any other States that might be admitted into the confederacy, without any tax, impost or duty therefor. The provisions of this ordinance were re-enacted by the act of Congress of May 7th, 1800, which formed the Indiana Territory; and again re-enacted by the act of Congress, of the 19th of April, 1816, enabling the people of Indiana Territory to form a State government, and by said act declared to be irrevocable between the original States and the people and States of the territory north-west of the river Ohio; which act of 1816, was accepted and approved of by the convention of the Indiana Territory, in June of the same year, at the same time that the constitution of the State was formed, and by said convention declared to be irrevocable and inviolate, without the consent of the United States, &c.

Thus we find, that from the earliest period at which Congress extended its laws over what is now the State of Indiana, the navigable streams of this region were declared common highways, free to all, and as such, the navigation could not lawfully be obstructed by any individual. The east fork of White river is one of those navigable waters, mentioned in the ordinance of 1787, as is manifestly evident from the fact that water craft of various descriptions, has annually, from the first settlement on its borders, descended this stream to the southern market: and, also, from the notorious fact, of the truth of which any one can satisfy himself by an examination of the maps of the United States surveys, to be found in the land offices, and in the Clerk's offices of the several counties through which the said stream flows, that the bed of the river was never surveyed and sold by the United States, to those purchasing lands on its banks, but was reserved as a common highway, in accordance with the ordinance of 1787.

The proprietors of the Lawrenceport mills could not, therefore, either as the owners of the bed of the stream, or in any other manner in their own right, legally build any dam across, or put any other obstruction in the east fork of White river; and the only argument, as far as is known to this Committee, which can be offered by said proprietors, in favor of their right to erect the dam across the stream, is to be found in an act of the General Assembly of the State of Indiana, entitled, "An Act to authorize certain persons therein named, to erect a dam across the east fork of White river, in Lawrence county."

Approved, February 4, 1837. By this act Sheward P. Moore of Putnam county, Indiana, and Josiah Lawrence of the city of Cincinnati, in the State of Ohio, were authorized to erect a wing dam across the east fork of White river, at or near the mouth of Fishing creek, &c., which dam should not exceed three feet of perpendicular elevation, and that the said dam should be built and erected in such a manner as not to impede the downward passage of rafts, nor of such water craft as is used on said river, nor the passage of fish.—That the passway for water craft should not be less than forty feet in width, and to be at least one foot below the mean height of the dam, with a sufficient apron or slope to secure the easy and safe navigation. On this act alone, as the Committee believe, rests the supposed authority of the proprietors of the Lawrenceport mills to erect a dam across the stream in question. As the grant, however, of the right to erect a dam, given by the Legislature, was to build a dam not exceeding three feet in perpendicular elevation, in such manner as not to impede the downward passage of rafts, &c., and to have a passway for water craft, of not less than forty feet in width, at least one foot below the mean height of the dam, with a sufficient apron, &c., and the dam actually built was about seven feet perpendicular height, greatly impeding the downward passage of rafts, &c., and with no passway and apron or slope, to secure the easy and safe navigation, it might become a grave question, whether the said Sheward P. Moore and Josiah Lawrence, and their successors have not forfeited all claim to the right granted by the Legislature, by reason of their failing to comply with the provisions and conditions, to be performed on their parts, which are contained in the said act of the Legislature.

The Committee, however, have no wish to discuss the question whether the proprietors have or have not forfeited their right, to build a dam across the east fork of White river, by failing to comply with the provisions of the act of February 4, 1837, as they are strongly inclined to believe, that the act itself, even if complied with to the letter, is null and void, as coming from a source which had no authority to grant the right. On this point the Committee will offer no arguments of their own, but will content themselves with referring to what they consider as authoritative on the subject. We will first give a short extract from the report of the Judiciary Committee of the House of Representatives, made the 29th December 1832.—"The Committee on the judiciary, to which was referred a resolution instructing them to make a report to this House, declaratory of the power of the Legislature to pass laws, authorizing the building of mill dams, or other obstructions in the channels of the navigable streams in this state, referring particularly to those streams which may have been meandered by the surveyors of the United States, and noted in their plats of surveys as navigable streams, have had the same under consideration.—The Committee have no hesitation in advancing the opinion, that the legislature has no power to throw any obstructions whatever, across the channel of any water course, the same being actually navigable, and declared so by the proper authority." (See Journal of H. R.

1832-'3, page 270.) We shall next offer what may be considered as of higher authority than the report even of a Committee on the Judiciary, composed as it was of gentlemen of great ability and profound legal attainments. We refer to the case of *Cox vs. The State*, in the supreme court of Indiana, as found in 3d Blackford's Reports. The opinion of the court, at full length, cannot be here inserted, and we will only introduce a short extract, but this extract contains a positive decision on the very point in question, which we think conclusive. The extract is as follows:—"The next objection raised, is to the opinion of the court below, declaring a certain statute of the state unconstitutional and void. The legislature of the State, by their act of the 13th of *January*, 1826, authorized *Cox*, the defendant below, to erect a mill-dam across the west branch of *White* river at the place in question; and the record shows, that, on the trial of the issue before the jury, that was offered in evidence to show that the defendant had a legal right to erect the mill-dam in question; but the court rejected it, declaring it unconstitutional and void. The counsel for the plaintiff in error insists, that if the state has power to legislate over that stream for any purpose, it has for all purposes; that if the acts making it a penal offence to obstruct the stream are constitutional, the act authorizing the erection of the mill-dam is also constitutional. The objection needs no examination. The investigation of the first point raised in this case, satisfactorily develops that this position is not tenable. The act now in question is clearly unconstitutional and void. The ordinance of Congress of the 13th of *July*, 1787, which is made perpetual and irrevocable between this State and the *United States*, by the act of Congress of the 19th of *April*, 1816, and the ordinance of *Indiana* of the 29th of *June*, 1816, puts it out of the constitutional power of either the State, or the *United States*, to authorize such an obstruction." (See *Cox vs. The State*, 3 Blackf. R. 199.)

The Committee think it unnecessary to offer any thing further on this part of the memorial referred to them, as they believe, from the authorities which have been adduced, it will sufficiently appear that the power of the Legislature (if indeed they have any such power) to authorize any addition to the height of the dam aforesaid, is very questionable, and in view of the decision of the supreme court, in the case of *Cox, vs. The State*, should be exercised with great caution. If the Legislature are satisfied that it would be unconstitutional to pass any law authorizing the erection of a dam across the east fork of *White* river, or to allow the proprietors of one already erected, to increase its height; we believe that no argument against the policy of such a measure, need be offered.

With regard to the other part of the memorial, which prays the Legislature to take such measures as may compel the proprietors of the mills aforesaid to alter their dam in such manner that it may not obstruct the navigation of the stream as it now does; the Committee think that even if the authority of the State Legislature, to authorize the erection of a dam across the east fork of *White* river, was undoubted, the facts of the dam actually built, being so much higher than was

authorized by the Law, and the great obstruction to the downward navigation, in direct opposition to the express provisions of the same, would be enough to warrant the interference of the General Assembly in aid of the petitioners.

The Committee, although satisfied in their own minds that any obstruction to the navigation of the east fork of *White* river, by authority of any power in *Indiana*, is unlawful, yet being well aware of the difficulty which exists, in many parts of this country, in obtaining sufficient water power to propel the grist mills, and other machinery necessary for the wants of the people, without erecting dams across some of the large streams, think this matter might be accommodated, by the passage of a law which will have the effect of compelling the proprietors to reduce their dam to, and hereafter keep it within the limits prescribed by the act of February 4, 1837. The Committee would not wish this to be considered as an acknowledgement on their part, of the right of the proprietors of the mills aforesaid, to maintain and continue their dam to the height of three feet, &c., as mentioned in the act of February 4, 1837, but, as it is supposed, that a dam built strictly in accordance with the provisions of that act, would not materially impede the downward navigation, (there being as yet no upward navigation on this stream,) this Committee think that all which is required or desired by the petitioners, would be effected, without reducing the dam lower than to the height mentioned in the law. This reduction the Committee think necessary, for as is evident from an inspection of the map of *Indiana*, and as the petitioners, themselves, state, the river across which the dam complained of is placed, is the only natural outlet for the produce of nearly all of *Jackson* county, and the petitioners might have added, of good part of the counties of *Washington*, *Scott*, *Jennings*, *Bartholomew*, and *Johnson*. They complain that this dam is a great obstruction to the navigation, so much so, as to be almost beyond endurance.

It might be said by some, that if this dam is unlawfully erected, the courts of our country are competent to its removal or abatement, and that legislative interference is unnecessary. The Committee have no doubt but that our courts have this power, but the end of the petitioners could only be effected, through the courts, by long and expensive litigation, carried on against a wealthy and influential company or firm; and as the Legislature has been the cause of giving the proprietors their supposed right to obstruct the navigation, the Committee think it but justice to the petitioners, that the same power which has been instrumental in producing the evil, should also give its assistance in applying the remedy.

The Committee would therefore respectfully report the following bill:

No. 87.—A bill supplemental to an act to authorize certain persons therein named to erect a dam on the east fork of *White* river.

Read a first time and passed to a second reading.

Mr. Gilbert, from a select committee, made the following report :

MR. SPEAKER—

The select committee, to which was referred the petition of sundry citizens of Delaware and other counties, praying the incorporation of a company to construct a railroad from Muncietown to Fort Wayne, have had that subject under consideration, and have directed me to report the following bill:

No. 88, a bill to incorporate the Muncietown and Fort Wayne Railroad Company;

Read first and second times, (rules suspended) and referred to the committee on corporations.

Mr. Wines of Allen, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill for the relief of fire company No. 1, of the city of Fort Wayne, have had that bill under consideration, and have directed me to report the same back to the House with one amendment, and recommend its passage.

A bill for the relief of the members of the fire company No. 1, Fort Wayne;

Ordered to be engrossed for a third reading.

Mr. Clark, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred a resolution in relation to Green River Island, have had the same under consideration, and directed me to report the following preamble and joint resolution, in which the concurrence of the House is requested:

Joint resolution No. 89, in relation to Green River Island;

Read a first and second times, (the rules being suspended) and referred to the judiciary committee.

RESOLUTIONS.

On motion of Mr. Millikin,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of this General Assembly appointing an agent, whose duty it shall be to examine the State Bank and Branches, and report to the next General Assembly; and if the committee judge it expedient to appoint an agent, they are hereby instructed to report a joint resolution to that effect.

On motion of Mr. Clark,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law regulating common schools, as to authorise the district clerk to administer oaths to other district officers.

On motion of Mr. Edwards,

Whereas, The State of Indiana has become involved to such an extent, that it would be both oppressive and impolitic to lay a tax sufficient to pay the interest on all her bonds at this time, when a general depression reigns predominant, thereby rendering almost inactive the great resources of the State, paralyzing her commerce, reducing property of every description to mere nominal value; while the poor man's labor goes unrewarded, and the rich man's property decays on his hands, and to render all more oppressive, there is scarcely any money, except a floating currency of irredeemable bank paper, subjecting the people to high and usurious exchanges—therefore, taking into consideration all these facts,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of reporting a bill reducing the tax on real and personal property to twenty cents on every hundred dollars, and the poll tax to fifty cents—every person subject to the same.

On motion of Mr. Norvell,

Resolved, That a select committee of three be selected to report a bill providing for the electing or appointing a notary public in the several townships in Lawrence county, Indiana.

Messrs. Norvell, Barnett of Lawrence and Lingle were appointed said committee.

On motion of Mr. Cogswell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that when witnesses' and jurors' fees in cases before justices of the peace and in the circuit court, shall remain on hand for one year, that the same may be paid over for the use of the poor in the respective townships from which such moneys have originally been paid.

On motion of Mr. Dunbar,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the forty-eighth section of the act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, as to make the recognizance of bail, entered on the justice's docket for the stay of execution in any case, have the same effect as a recognizance of a like nature entered in the circuit court, or before the clerk thereof, now has by law, with leave to report by bill or otherwise.

Mr. Hendricks offered the following resolution:

Resolved, That the House of Representatives will (the Senate concurring therein) adjourn *sine die* on the 15th day of January, 1842.

Mr. Grover moved to amend the resolution as follows:

Provided the public business of this legislature be gone through with.

On motion of Mr. Hannegan,

The resolution was laid on the table.

On motion of Mr. Gorman,

Resolved, That the committee on education be instructed to inquire into the expediency of authorising each county in this State to send

free of tuition fee, two students to the State University, and report by bill or otherwise.

On motion of Mr. Shoup,

Whereas, there has been an entire suspension of operation on the White Water Canal, with a view to its completion for more than two years past, and in all probability to remain so for years to come; and whereas, the expenditures on that portion of said Canal now finished exceeds the entire income from tolls or otherwise, and is an annual tax upon the State and likely to remain so for years to come, if left in its present condition; and, whereas, a large amount of materials furnished and work done upon that portion of said Canal yet unfinished, are rapidly going to destruction, and in a short time will be entirely useless; and, whereas, a majority of the citizens of the White Water Valley are anxious that said Canal shall be completed according to the original design of the State, or at least a portion of said Canal where large expenditures have been made, would be of great public utility. Therefore,

Resolved, That the standing committee on canals and internal improvements be instructed to inquire into the expediency of inducing private capital for the construction of a part or all of the above named Canal, by chartering a company for that purpose, the State reserving the right to take said Canal after the term of twenty years by paying said company the amount by them so expended; *Provided further*, That said company as aforesaid shall have the privilege of buying out the interest of the State in said Canal by paying to the State the amount expended by way of construction in her own bonds at their face, or money; *Provided further*, That the State yield to said company the Canal now finished for the term of years above named; *And provided further*, That said company after the expiration of the above named time, shall pay over to the State Treasury all of the profits over and above eight per cent. per annum upon their capital so expended upon said unfinished portion of said Canal.

On motion of Mr. Barnett of Lawrence,

Resolved, That the judiciary committee be requested to inquire into the expediency of repealing the 5th section of an act, approved Feb. the 8th, 1841, entitled, "an act to amend an act relative to crime and punishment, approved February the 10th, 1831," and that they report by bill or otherwise.

On motion of Mr. Robinson of Rush,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law regulating the stay on judgments before the Circuit Court or that of justices of the peace, so that the judgment debtor in either case shall have the same time to run in either case so that it shall be made equal in both courts.

On motion of Mr. Simonson,

Resolved, That the committee on elections be instructed to inquire into the expediency of amending the act to provide for the election of county and township officers, so as to provide a mode to give

notice to fill any vacancy that may occur in the office of Clerk of the Circuit Court; with leave to report by bill or otherwise.

BILLS AND JOINT RESOLUTIONS.

Mr. Murray introduced joint resolution No. 90—to sell the six chain reservation;

Read a first time and passed to a second reading.

By Mr. Robinson of Carroll; No. 91—A bill to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal;

Read a first time and passed to a second reading.

By Mr. Sayler; bill No. 92—A bill to vacate part of the town of Wilmington, in Clinton county;

Read a first time and passed to a second reading.

By Mr. Brown of Marion; No. 93—A bill to fix the time of holding the Marion Circuit Court;

Read a first time and passed to a second reading.

By Mr. Stratton; No. 94—A bill to incorporate the Wayne and Randolph Turnpike Company, and the Union and Wayne Turnpike Company;

Read first and second times (the rules being suspended) and referred to the committee on corporations.

The House then resolved itself into a committee of the whole on bill No. 40 of the Senate, providing a State Board of Equalization, &c., Mr. Monroe in the chair; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again,

Which leave was granted.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the amendment made by the House of Representatives to the joint resolution of the Senate No. 8, on the subject of the location of an Armory in the West.

The Senate has also passed, without amendment, an engrossed bill of the House of Representatives, entitled,

No. 67—An act to authorize a special session of the Marion Circuit Court.

The House again resolved itself into a committee of the whole on the bill of the Senate, No. 40, providing a State Board of Equalization, &c., Mr. Monroe in the chair, and after some time spent therein, the committee rose, and Mr. Monroe, the chairman, reported, that according to order the committee had that subject under consideration, and had made some progress therein and had directed him to report the same to the House and ask to be discharged from the further consideration thereof.

And the committee were discharged accordingly.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, DEC. 21, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication of Samuel Merrill, Esq., President of the State Bank;

Referred to the committee on the State Bank.

Also, a communication from the Auditor of Public Accounts in reply to a resolution of this House;

Referred to the committee of ways and means.

PETITIONS WERE PRESENTED.

By Mr. Thompson of Fayette; two several petitions, on subjects therein named,

Which were referred to the committee of ways and means.

By Mr. Chapman of Hancock, of William Carey on a subject therein named;

Referred to a select committee.

By Mr. Barnett of Lawrence, of citizens of Lawrence, Orange and Jackson [counties] on the subject of a mill dam on the East Fork of White river;

Referred to a select committee of Messrs. Dunbar, Norvell and May.

By Mr. Meeker, of citizens of Fayette county, on several subjects therein named;

Referred to the judiciary committee.

Mr. Hendricks, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee on ways and means to whom was referred a resolution of this House, directing an inquiry into the expediency of so amending the revenue law as to exempt from taxation to each taxpayer one hundred dollars worth of personal property, have instructed me to report a bill to that effect.

No. 95—A bill to exempt from tax one hundred dollars worth of personal property;

Read a first time and passed to a second reading.

Mr. Ritchey, from the committee on education, made the following report:

MR. SPEAKER—

The committee on Education, to which was referred sundry resolutions of the House, viz: A resolution directing an inquiry into the expediency of repealing the third and fourth sections of the act entitled, "An act to provide for a better regulation of the Indiana University, approved Feb. 15, 1841."

Also—

A resolution directing an inquiry into the expediency of "Amending the school law so as to allow the inhabitants of school districts bordering on the lines of this State, to draw the dividend of the school fund when they shall have sent to school in an adjoining State, for the want of a school in the district where they reside, that they would be entitled to by having sent to school in any adjoining district in this State."

Also—

A resolution directing an inquiry into "the expediency of so amending the school law that, to entitle any school district to a portion of the funds intended to be distributed among the several school districts, the trustees of any such district shall employ such teachers only, as shall produce a certificate of qualification from the examiners of common school teachers in the county where such school is proposed to be taught;"

Also—

A resolution directing an inquiry "Into the expediency of so amending the power conferred upon the Circuit Courts of appointing school examiners, that not more than one in each county shall be professors in the same church, and that no school teacher shall or can be eligible for the station," have had the subjects embraced in each and every one of the resolutions under consideration, and after mature deliberation, a majority of the committee have directed me to report that it is inexpedient to legislate upon the subjects of the resolutions, and to ask to be discharged from their further consideration;

The question being on concurring in said report, Mr. Garrigus moved to except so much of said report as related to the third and fourth sections of an act regulating the Indiana University;

Pending the motion to concur,

Mr. Chapman of L. moved to lay the report on the table,
Which motion prevailed.

Mr. Marshall, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to which was referred the petitions of Hendricks, Dudley and others, contractors on the Madison and Indianapolis Railroad, praying that the State will make provision for the payment of the amount due them for work done on said road, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 96—A bill for the relief of the contractors on the Madison and Indianapolis Railroad;

Read a first time and passed to a second reading.

Mr. Wines of A., from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom was referred the petition of Alexander Beard, have had that petition under consideration, and have instructed me to report to the House the following joint resolution, and recommend its adoption:

No. 97—A joint resolution for the relief of Alexander Beard;

Read a first time and passed to a second reading.

Mr. Garrigus, from the committee on Agriculture, made the following report:

MR. SPEAKER—

The committee on Agriculture, to whom was referred a resolution of the House, to inquire into the expediency of so amending an act entitled "An act concerning enclosures and trespassing animals," have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

The report was concurred in, and the committee discharged.

Mr. Saylor, from a select committee, made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of Nathan Kirk, asking the privilege to build a bridge on the Michigan road, have had the same under consideration, and directed me to report a bill in compliance with the prayer of said petition:

No. 98—A bill to authorize Nathan Kirk to build a bridge on the Michigan road;

Read a first time, and passed to a second reading.

Mr. Hodges, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Perry Kelley and others, on the subject of a divorce, have had the same under consideration, and have directed me to report the following bill:

No. 99—A bill to divorce Perry Kelley from Fanny Ann Kelley;

Read a first time and passed to a second reading.

Mr. Dunbar, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Jackson county, asking for a change in the mode of selecting petit juries in said county, and concerning bailiffs, have had the same under consideration and have directed me to report the following bill, in accordance with the prayer of the petitioners:

No. 100. A bill to change the mode of selecting petit juries in Jackson county, and for other purposes.

The rules were suspended and the bill read three several times and passed.

Mr. Quick, from a select committee, made the following report:

MR. SPEAKER:

The committee to which was referred the petition of sundry citizens of Bartholomew and Decatur counties, for a change of a certain State road therein named, have ordered me to report the following bill:

No. 101. A bill to locate a State road;

Read a first time and passed to a second reading.

RESOLUTIONS.

Mr. Chapman of H., offered the following resolution:

Resolved, That the committee on ways and means be requested to inquire into the expediency of amending the revenue law in such a manner that no property shall be sold for less than two-thirds of its appraised value, for the payment of taxes, and said appraisement to be made by collector,

Which was not adopted.

Mr. Robinson of Carroll, offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the present system of probate

courts and providing by law for the business now done by those courts to be done by the circuit courts,

Which was not adopted.

Mr. Murray offered the following resolution.

Resolved, That the committee on elections be instructed to inquire into the expediency of so amending the revenue law as to require every person to have paid their State or county tax before they are privileged to vote at township or general elections, saving and excepting those who served as soldiers during the revolutionary or last war,

Which was laid on the table.

On motion of Mr. Davis of F.,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of making an appropriation for the finishing of the Silver creek bridge between New Albany and Jeffersonville.

Mr. Edwards offered the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of repealing so much of the revenue law as relates to the mode of collecting taxes,

Which was not adopted.

On motion of Mr. Hendricks,

Resolved, That the judiciary committee be instructed to inquire into the propriety of changing the probate system from its present to the circuit court system, and that the suggestions hereunto appended, may go before said committee in form of a petition without reading.

ORDERS OF THE DAY.

The House resumed the consideration of bill No. 40, to provide a new Board of Equalization, &c.

The question was first put on concurring with the amendments of the committee,

Which prevailed.

Mr. Henley moved to strike out the first section of the bill.

And upon this question the ayes and noes were demanded by Messrs. Henley and Ritchey, and are as follows:

Those who voted in the affirmative were,

Messrs. Bearss, Brown of Dearborn, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Coon, Davis of Sullivan, Deming, Devin, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of Noble, Townsend, Warriner, Yocum and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Marion, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Defrees, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackle, man, Harding, Hodges, Howard, Lee, Marshall, McAlister, Meeker, Milliken, Murray, Nelson, Ogden, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Williamson, Wines of Allen, and Wines of Vigo—46.

So the first section of the bill was stricken out.

Mr. Brown of Dearborn moved to reconsider the vote on striking out the first section of said bill.

And upon this question the ayes and noes were demanded by Messrs. Robinson of Carroll and Bearss, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Marshall, McAlister, Meeker, Milliken, Murray, Nelson, Ogden, Peak, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Shoup, Saunders, Sinks, Stratton, Tisdale, Williamson, Wines of Allen and Wines of Vigo—57.

Those who voted in the negative were,

Messrs. Chapman of Laporte, Coon, Davis of Sullivan, Dunbar, Garrigus, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neal, Poulson, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Yocum and Mr. Speaker—37.

Mr. Bradley moved to amend the first section by striking out "lessen" and insert "increase."

Mr. Milliken moved to amend the amendment as follows:

Strike out that part that makes it the duty of the committee to report to this House;

Which did not prevail.

Mr. Defrees moved to amend the amendment by striking out "Governor" and inserting, "President of the Senate and Speaker of the House;"

Which motion prevailed.

Mr. Mitchell then moved the previous question, which was seconded by a majority of the House.

The previous question was then put: Shall the main question be now put?

And decided in the affirmative.

The main question was then put, viz: Shall the first section of the bill be stricken out?

And on this question the ayes and noes were demanded by Messrs. Simonson and Hoobler, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bowers, Chapman of Hancock, Chapman of Laporte, Coon, Cooper, Cotton, Davis of Sullivan, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, Mitchell, Monroe, Myers, Norvell, O'Neal, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of Carroll, Saffer, Shively, Simonson, Snoddy, Snook, Thompson of Noble, Warriner, Yocum and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Brown of Dearborn, Brown of Marion, Butler, Clark, Clements, Cogswell, Cooley, Davis of F, Defrees, Devin, Deming, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Marshall, McAlister, Meeker, Milliken, Montgomery, Murray, Nelson, Ogden, Quick, Rand, Rannels, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson, Wines of Allen, Wines of Vigo—54.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Clements moved to reconsider the vote on striking out the first section of the bill No. 40.

Pending this motion,

Mr. Hannegan moved to lay the whole subject on the table, upon which the ayes and noes were demanded, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Butler, Chap-

man of Hancock, Chapman of Laporte, Clements, Coon, Davis of Sullivan, Deming, Dunbar, Frink, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neal, Peak, Poulson, Rand, Rawlings, Reed, Ritchey, Robinson of Carroll, Saffer, Sayler, Simonson, Snoddy, Snook, Thompson of Noble, Warriner, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Brown of Marion, Clark, Cooley, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Marshall, McAlister, Meeker, Milliken, Murray, Ogden, Quick, Rannels, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend, and Williamson—44.

On motion of Mr. Hannegan,

Bill No. 62, for the completion of the Wabash and Erie Canal, from Tippecanoe river to Terre Haute, was taken from the table.

On motion of Mr. Henley,

The House resolved itself into committee of the whole on said bill, No. 40, Mr. Brown of M. in the chair; and after some time spent therein, the committee rose, and Mr. Brown, the Chairman, reported that the committee had come to sundry amendments, in which he was directed to ask the concurrence of the House;

The House concurred in by consent.

Mr. Bradley moved that the bill be laid on the table and printed;

Which motion did not prevail.

Mr. Myers moved to recommit the bill to the committee on Canals and Internal Improvements, with the following instructions:

Recommit the bill, with instructions to amend the same, by appropriating \$650,000, heretofore advanced by the State for said canal, as follows, to wit: To the Indianapolis and Madison Railroad, for its completion to Edinburgh, the sum of \$200,000; for the completion of the grading and bridging of the Jeffersonville and Crawfordsville road, from Jeffersonville to Salem, the sum of \$100,000; for the completion of the grading and bridging of the New Albany and Vincennes road, from Paoli to the west fork of White river, \$60,000; for the improvement of the rapids of the Wabash, \$100,000, and the residue, to the White Water canal;

Which motion did not prevail.

Mr. Marsh moved to amend the instructions as follows:

And be it further enacted, the said commissioner shall also cause to be constructed that portion of the Erie and Michigan Canal extending from Fort Wayne to Northport, Noble county;

Which did not prevail.

Mr. Shoup moved to lay the whole subject on the table, and upon

this question the ayes and noes were demanded by Messrs. Robinson of C. and Nelson, and are as follows:

Those who voted in the affirmative were,

Messrs. Bowers, Butler, Cotton, Davis of F., Deming, Edwards, Hackleman, Howard, Leslie, Myers, Poulson, Rawlings, Robinson of C., Saunders, Sayler, Shoup, Simonson, Snoddy, and Thompson of Noble—19.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Bradley, Brown of D., Brown of M., Chapman of H., Chapman of L., Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of S., Defrees, Devin, Dunbar, Ellis, Foley Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, Ogden, Peak, Quick, Rand, Rannalls, Read, Ritchey, Robinson of R., Rooker, Runyon, Saffer, Shively, Sinks, Snook, Thompson of F., Tisdale, Townsend, Warriner, Williamson, Wines of A., Wines of V., Yocum, and Mr. Speaker—70.

So said subject was not laid on the table.

Mr. Gorman moved the previous question,

Which was seconded by a majority of the House;

And the previous question, Shall the main question be now put?

Was taken and decided in the affirmative.

The main question was then put, viz: Shall the bill be engrossed for a third reading? The ayes and noes being called for, are as follows:

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of M., Butler, Chapman of L., Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of S., Defrees, Devin, Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Lingle, Marshall, Matheny, May, McAlister, Meeker, Mitchell, Monroe, Montgomery, Murray, Nelson, Ogden, O'Neali, Peak, Quick, Rand, Rannalls, Reed, Ritchey, Robinson of R., Rooker, Runyon, Saffer, Shively, Sinks, Snook, Thompson of F., Tisdale, Townsend, Warriner, Williamson, Wines of A., Wines of V., Yocum, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Barnett of L., Bowers, Brown of D., Chapman of H., Cotton, Davis of F., Deming, Edwards, Foulk, Hackleman, Howard, Les-

lie, Marsh, Milliken, Myers, Poulson, Rawlings, Robinson of C., Saunders, Sayler, Shoup, Simonson, Snoddy, and Thompson of N.—24.

So said bill was ordered to be engrossed.

Mr. Robinson of R., from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did, on this day, present to his excellency, the Governor, for his approval and signature, the following entitled joint resolution of the Senate:

No. 8—A joint resolution on the subject of the location of an Armory in the West.

The following message was received from the Governor, through his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 67, an act to authorise a special session of the Marion circuit court. Which originated in the House of Representatives.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DEC. 22, 1841.

The House met according to adjournment.

The following message was received from the Senate by Mr. McGuire, their principal secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, entitled,

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county;

No. 18, an act to regulate the jurisdiction of justices of the peace in Greene county;

The last named without amendment, and the first named with one amendment, in which the concurrence of the House is requested.

The Senate has also passed engrossed joint resolutions and bills of the Senate, entitled,

No. 2, a joint resolution on the subject of resumption of specie payments, and for other purposes;

No. 26, an act, to define more particularly the duties of the commissioner of the three per cent. fund in Daviess county;

No. 37, an act to legalize the proceedings of Hamilton Lapham as commissioner to locate and survey a State road from Lebanon, in Boone county, to Thorntown;

No. 39, an act for the relief of the heirs of Cornelius A. Dumaree, deceased: and

No. 50, a joint resolution for the benefit of the citizens of the reserved township in Gibson county;

In which several bills and joint resolutions of the Senate I am directed respectfully to ask the concurrence of the House of Representatives.

The joint resolution spoken of in the message was read first and second times, (the rules being suspended) and referred to the committee on the State Bank.

Bills of the Senate Nos. 26 and 37, named in the message, were read a first time and passed to a second reading on to-morrow.

Bill of the Senate No. 39, named in the message, was read a first and second times (the rules being suspended) and referred to the judiciary committee.

Joint resolution of the Senate No. 50, referred to in said message, was read a first and second times (the rules being suspended) and ordered to be engrossed.

PETITIONS WERE PRESENTED,

By Mr. Robinson of C., of citizens of Carroll county, relative to rents and water power at Delphi;

Referred to a select committee of Messrs. Robinson of C., Deming and Saylor.

By Mr. Graham, of J. W. B. Moore and others of Warrick county, relative to a State road;

Referred to a select committee of Messrs. Graham, Devin and Poulson.

By Mr. Harding, of William Holmes, on a subject therein named;

Referred to a select committee of Messrs. Harding, Brown of M. and Chrisman.

By Mr. Thompson of F., of citizens of Fayette county, on several subjects therein named;

Referred to the committee of ways and means.

Also, from citizens of Fayette county, on the subject of a State road;

Referred to a select committee of Messrs. Thompson of F., Meeker and Ogden;

By Mr. Wines of A., of J. B. Johnson, praying relief;

Referred to the committee on canals and internal improvements.
By Mr. Warriner, of citizens of Porter county, on the subject of a toll bridge;

Referred to the committee on corporations.
By Mr. Ritchey, of citizens of Johnson county, on subjects therein named;

Referred to the committee of ways and means.
By Mr. Shively, of Elizabeth Brownlee, on a subject therein named;

Referred to the judiciary committee.
Mr. Henley, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution directing an inquiry into the expediency of repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers, have instructed me to report a bill,

No. 102, a bill to repeal the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers.

The rules were suspended and the bill twice read, when, Mr. Chapman of L. moved to amend the bill as follows:

SEC. 1. That if any person or persons shall fail to pay the taxes charged against him, her, or them, on or before the first day of February next after the same shall become due, such person or persons may pay the same at any time before the treasurer shall have distrained any property for the payment of such taxes; but shall be charged with a penalty of ten per cent. thereon for the use of the county treasury;

Which was not adopted.
Mr. Henley moved that the bill be considered as engrossed and read a third time now;

Which motion prevailed.
And then the bill passed.
Mr. Myers, from the committee on military affairs, reported a bill No. 103:

Mr. Chapman of L. moved to refer said bill to the judiciary committee;

Which motion did not prevail.
Mr. Henley moved to postpone the bill indefinitely.
Mr. Brown of M. moved to lay the bill on the table;

Which motion did not prevail.
Mr. Graham renewed the motion to lay the bill on the table;

But was lost.
The motion of Mr. Henley to postpone the bill indefinitely prevailed—ayes 60, noes 33, as follows:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Cogswell, Cooley, Cooper, Davis of Floyd, Defrees, Devin, Dunbar, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Graham, Hackleman, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lingle, Marsh, Marshall, Matheny, May, Meeker, Milliken, Murray, Nelson, Ogden, O'Neill, Percy, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Shively, Shoup, Simonson, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen and Yocum—60.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Marion, Clark, Clements, Coon, Cotton, Davis of Sullivan, Deming, Edwards, Garrigus, Gilbert, Gorman, Grover, Hannegan, Lawrence, Lee, Leslie, M'Allister, Mitchell, Monroe, Montgomery, Myers, Norvell, Peak, Poulson, Rannels, Robinson of Carroll, Saffer, Snoddy, Wines of Vigo, and Mr. Speaker—33.

Mr. Robinson of R., from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed, and find it truly enrolled, to-wit:

A joint resolution on the subject of a resumption of specie payments, by the States of Ohio, Kentucky, and Illinois.

Also, the joint committee on enrolled bills, report that they did, on this day, present to his excellency the Governor, for his approval and signature, the following entitled act, to-wit:

No. 67—an act to authorise a special session of the circuit —.

Also, the joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bill of the House of Representatives, and find the same truly enrolled, to-wit:

No. 18—an act to regulate the jurisdiction of justices of the peace in Greene county.

Mr. Shoup moved to take from the table, No. 40, providing for a board of equalization, &c.;

Which motion did not prevail.

RESOLUTIONS.

Mr. Millikin offered the following resolution:

Resolved, That the judiciary committee to whom was referred a bill of this House, on the subject of reducing fees, and salaries, be

instructed to inquire into the expediency of reporting a bill, as far as it regards pay of members of the General Assembly, allowing them three dollars per day for the first thirty days of the session, and two dollars per day for the next thirty days, and one dollar per day for the balance of the session.

Mr. Norvell moved to amend by adding "a charitable hospital to take care of the sick."

Mr. Shoup moved to lay the resolution and proposed amendment on the table;

Which prevailed.

On motion of Mr. Robinson of C.,
Resolved, That the committee on the judiciary be instructed to inquire into the necessity of providing by law, for legalizing the proceedings of the several probate courts in the State, from its first existence as such, to the present time.

On motion of Mr. Norvell,
Resolved, That the committee on military affairs be instructed to inquire into the expediency of reporting a bill providing for the furnishing an independent company of militia, at Springville, Lawrence county, Indiana, with arms, bayonets, and cartouch-boxes, as other companies of the same character are furnished; said company is known by the name of Springville Invincibles.

On motion of Mr. Hutton,
Resolved, That the Representative Hall be granted to H. T. N. Benedict, for the purpose of delivering a lecture on English grammar, on the 23d inst. at 6 o'clock, P. M.

Mr. O'Neill offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to this House to amend the existing law regulating the mode of swearing grand and petit jurors, so far as the county of Greene is concerned, so that hereafter it shall be lawful to summon only twelve petit jurors for the first week of the term, and none for the second week.

Mr. Ritchey moved to amend, so that a general law be reported;

Which was lost.

The resolution was amended by adding the counties of Daviess, Ripley, Posey, Adams, and Jay, Delaware, Hamilton, Orange, La-grange, and Noble;

And was then adopted.

Mr. Bradley offered the following resolution:

Resolved, That the following shall hereafter constitute and be a rule of this House:

That when the previous question shall be demanded and seconded, the main question shall be *the pending amendment or motion*. And it shall only operate to prevent further amendment, motion, or debate.

Which resolution was laid over till to-morrow.

On motion of Mr. Goodhue,

Resolved, That during the time of reading journals, or of calling the

ayes and noes, no member shall be allowed to approach the clerk's desk, but may rise from his seat and request corrections.

Mr. Davis of Floyd offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of having a sufficient number of the school laws published in the German language to furnish each school district in the State with two copies.

On motion of Mr. O'Neill,

Resolved, That the committee on the State Prison be instructed to inquire into the expediency of repealing the 17th section of an act, entitled, an act to amend an act for the regulation of the State Prison, approved February 17, 1828, approved February 10, 1841; and that they report by bill or otherwise.

Mr. Clements offered the following resolution:

Resolved, That the committee on canals and internal improvements are hereby instructed to inquire into the expediency of reporting to this House a bill, providing for the following objects, viz:

1st. To complete the unfinished portion of the Madison and Indianapolis Railroad to Edinburgh.

2d. To complete the unfinished portion of the New Albany and Vincennes road, from Paoli to Mount Pleasant.

3d. To complete the unfinished portion of the White Water Canal from Lawrenceburgh to the Laurel feeder dam.

And that said committee be further instructed to provide in said bill, that when the Fund Commissioner may not have funds sufficient to meet the drafts for work that may be done on either of the above lines, he may be authorized to draw on the Treasurer of State, who shall be authorized in such event to issue Treasury Notes of the denomination of five dollars; and they are hereby further instructed to provide, that in the event of the Treasurer issuing such Treasury Notes that the dividend arising from the proceeds of the public lands shall be set apart for their redemption.

Mr. McAlister moved to amend by including the Northern end of Central Canal.

Mr. Wines of Allen moved to amend the amendment so as to include the Erie and Michigan Canal.

Mr. O'Neill moved to lay the resolution and proposed amendments on the table;

Which prevailed.

Mr. Bearss offered the following resolution:

Resolved, That the committee on canals and internal improvements inquire into the expediency of releasing to the actual settlers on all lands selected by the State who would be entitled to a pre-emption right under the late law of Congress, granting pre-emption rights to settlers; and that they report by bill or otherwise.

Which was not adopted.

On motion of Mr. Thompson of Fayette,

Resolved, That the Treasurer of State be requested to report to this House at as early a day as practicable the amount of perquisites

arising from the College fund, and other funds, if any, and how these perquisites have been applied, and why they are not found in the annual report of Dec. 1, 1841.

Mr. Brown of Marion (on leave) presented the remonstrance of N. Bolton, on the subject of a vacation of a road;

Referred to a select committee to which a petition on the same subject had been referred.

On motion of Mr. O'Neill,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of an act, entitled, an act to regulate the salaries of Auditor, Secretary and Treasurer of State, approved February 4, 1841, as allows said officers any clerk hire, and also into the expediency of reducing the salaries of said officers; and that they report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing the law of last winter levying a tax upon dogs.

BILLS INTRODUCED.

By Mr. Mitchell; No. 103—A bill relative to the distribution of public arms;

Read a first and second times (the rules being suspended) and referred to the committee on military affairs.

Mr. Townsend moved to suspend previous orders of the day and take from the table

No. 54—A bill to amend an act, entitled, an act, &c., to distribute so much of the surplus revenue, &c., in the county of Hendricks;

And the bill was taken from the table and referred to a select committee of Messrs. Townsend, Garrigus and Norvell.

By Mr. Chapman of Hancock; No. 104—A bill to locate a State road therein named;

Read a first time and passed to a second reading.

A message from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with one amendment, an engrossed bill of the House of Representatives, entitled,

No. 102—An act to repeal the 18th, 21st and 23d sections of the act prescribing the duties of County Treasurers,

In which amendment made by the Senate I am directed to ask the concurrence of the House of Representatives.

The House concurred in the amendment.

By Mr. Hoobler; No. 106—A bill requiring members of the General Assembly to account to the Auditor of State;

Read a first time and passed to a second reading.

By Mr. Cogswell; No. 107—A bill to provide for the election of a justice of the peace in the town of Shielville, in Hamilton county;

Read a first time and passed to a second reading.

On motion of Mr. Ritchey,

The bill for the relief of Fanny Howard was taken from the table.

The question being on the engrossment of the bill for a third reading,

And the ayes and noes being demanded by Messrs. Goodhue and Ritchey, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Butler, Chapman of Laporte, Cooley, Coon, Davis of Sullivan, Ellis, Grover, Hannegan, Henley, Hodges, Howard, Hutton, Lee, Lingle, Marsh, McAlister, Monroe, Montgomery, Norvell, Rand, Rannells, Rawlings, Ritchey, Robinson of Carroll, Simonson, Wines of Vigo and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Chapman of Hancock, Clark, Clements, Cogswell, Cooper, Cotton, Davis of Floyd, Defrees, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Hackleman, Hendricks, Hoobler, Lawrence, Leslie, Marshall, Matheny, May, Meeker, Milliken, Mitchell, Murray, Nelson, Ogden, O'Neill, Peak, Poulson, Quick, Reed, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Williamson, Wines of Allen, and Yocum—58.

And so said bill failed.

BILLS ON THIRD READING.

No. 82—A bill in relation to licensing taverns and groceries;

Read a third time, when,

Mr. Stratton moved to recommit the bill to the committee on ways and means, with the following instructions: At the end of the third section add,

"*Provided*, That none of the provisions of this act in any way or manner shall interfere with the laws now in force in this State, respecting the licensing of taverns or groceries within the corporate limits of the city of Indianapolis, in said Marion county."

And upon this question Messrs. Stratton and Reed called for the ayes and noes and are as follows:

Those who voted in the affirmative were,

Messrs. Bradley, Chapman of H., Clark, Davis, of F., Defrees, Deming, Devin, Ellis, Foley, Frink, Goodenow, Grover, Hackleman, Hendricks, Hodges, Marsh, Marshall, Meeker, Ogden, Peak, Rand, Rannells, Reed, Robinson of R., Rooker, Runyon, Saunders, Stratton, Tisdale, Williamson, Wines of A., and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Bowers, Brown of D., Brown of M., Butler, Chapman of L., Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of S., Dunbar, Edwards, Garrigus, Gilbert, Goodhue, Gorman, Graham, Hannegan, Henley, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Poulson, Quick, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N. and L., Townsend, Wines of V., and Yocum—57.

So said proviso was not adopted.

Mr. Poulson moved the previous question, which was seconded by a majority of the House;

The previous question was put, viz: Shall the main question be now put?

And passed in the affirmative;

The main question was then put, viz:

Shall the bill pass?

And the ayes and noes being demanded are as follows:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of D., Brown of M., Chapman of L., Clements, Cogswell, Cooley, Coon, Cotton, Davis of S., Dunbar, Garrigus, Gilbert, Goodhue, Gorman, Graham, Hannegan, Henley, Hoobler, Hutton, Lawrence, Leslie, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Robinson of C., Saffer, Sayler, Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N. and L., Townsend, Warriner, Wines of V., Yocum and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Barnett of L., Bradley, Chapman of H., Clark, Cooper, Davis of F., Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Grover, Hackleman, Hodges, Howard, Lee, Marshall, Meeker, Ogden, Peak, Rannells, Rawlings, Reed, Robinson of

R., Rooker, Runyon, Saunders, Stratton, Tisdale, Williamson, and Wines of A.,—36.

So said bill passed.

Mr. Brown of M., asked and obtained leave of absence for his colleague Mr. Harding.

BILLS ON THIRD READING.

No. 18—An engrossed bill of the Senate, to repeal a portion of a joint resolution on the subject of the Michigan road lands;

No. 19—An engrossed bill of the Senate, for the relief of certain persons therein named;

No. 27—An engrossed bill of the Senate, to vacate an alley in the town of Lebanon in Boone county;

Which bills of the Senate were each read a third time and passed:

ENGROSSED BILLS OF THE HOUSE.

No. 32—An engrossed bill of the House, relating to the jurisdiction of justices of the peace in actions by and against corporations;

No. 33—A bill to amend an act, entitled and an act, for the promotion of schools and education, in Clarks' grant;

No. 35—A bill for the relief of Charles Percell, late collector of Posey county;

No. 38—A bill to repeal an act for opening and repairing public roads and highways, in the counties of Owen, Lawrence and Greene;

No. 39—A bill to amend an act to incorporate the Orange [guards];

No. 40—A bill for the relief of Nancy Close, wife of Samuel Close deceased;

No. 41—A joint resolution to provide for distributing the acts of Congress, deposited in the office of the Secretary of State;

No. 45—A bill to change a certain State road in Monroe county;

No. 46—A memorial and joint resolution on the subject of the National Road;

No. 49—A bill to regulate the jurisdiction of justices of the peace in the county of Dubois;

No. 52—A bill providing for the election of three commissioners in school section No. 14, North of range No. 7, West in Parke county;

No. 53—A bill to amend a joint resolution concerning standing committees;

No. 56—A bill to incorporate the Eel river bridge company;

No. 57—A joint resolution relative to the reduction of the price of the public lands in the State of Indiana;

No. 58—A bill for the relief of Patrick Eagan;

No. 59—A bill for the relief of the members of the fire company, No. 1, in Fort Wayne;

No. 61—A bill for the relief of Patrick Rush;
Which bills were each read a third time and passed.

No. 37—A bill to amend an act, entitled an act, regulating the taking up of animals going estray, and water crafts &c. going adrift,

Was read a third time and,

On the question, shall the bill pass?

Was decided in the negative.

Mr. Brown of M., moved to reconsider the vote on the passage of bill No. 14, in relation to Blackford's reports in Lagrange county;

Which prevailed.

And then bill was referred to a select committee, with instructions to supply that county with four copies of Blackford's reports;

And Messrs. Thompson of N. and L., Brown of M., and Foulk, were appointed said committee.

No. 60—A bill to amend an act, entitled an act, defining the duties of Recorders, approved Feb. 17, 1838;

Read a third time, and,

On motion of Mr. Dunbar,

Re-committed, with instructions to strike out all in the bill relating to Recorders' receiving their fees in advance.

No. 62. A bill for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute.

Mr. Runyan moved to re-commit the bill to the committee on canals and internal improvements with the following instructions:

Insert the following as an addition to the ninth section:

Provided however, That nothing in this act shall be so construed as in any manner whatever, to deprive any person or persons of the right of preemption acquired by settlers on public lands, under the act of congress of 1840, and that all such pre-emptioners shall have the privilege of entering any of the said lands selected by the State, by paying to the State the price of one dollar and twenty-five cents per acre for the same, in the same manner they would have been compelled to do under the aforesaid act of Congress.

And upon this question the ayes and noes were called, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bowers, Coon, Grover, Howard, Leslie, Lingle, Marshall, Matheny, Milliken, Myers, Rannalls, Rawlings, Rooker, Runyon, Saffer, Saunders, Shively, Snoddy, and War-riner—21.

Those who voted in the negative were,

Messrs. Bradley, Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of S., Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Gra-

ham, Hackleman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, May, McAlister, Meeker, Mitchell, Montgomery, Murray, Nelson, Norvel, Ogden, O'Neill, Peak, Poulson, Quick, Rand, Reed, Ritchey, Robinson of C., Sayler, Shoup, Snook, Stratton, Thompson of F., Tisdale, Williamson, Wines of A., Wines of V., Yocum and Mr. Speaker—66.

So said bill was not re-committed.

The question then recurring on the passage of the bill, and the ayes and noes being demanded, are as follows:

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of M., Butler, Chapman of L., Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Davis of S., Defrees, Deming, Devin, Dunbar, Ellis, Foley, Frink, Garigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hannegan, Hendricks, Hodges, Hoobler, Lee, Marsh, McAlister, Meeker, Mitchell, Montgomery, Murray, Nelson, Ogden, O'Neill, Peak, Quick, Reed, Ritchey, Robinson of C., Robinson of R., Runyon, Shively, Snook, Stratton, Thompson of F., Tisdale, Williamson, Wines of A., Wines of V., Yocum and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Barnett of L., Bowers, Brown of D., Chapman of H., Cotton, Edwards, Foulk, Hackleman, Howard, Hutton, Lawrence, Leslie, Lingle, Marshall, Milliken, Myers, Norvell, Poulson, Rand, Rannalls, Rawlings, Rooker, Saffer, Saunders, Sayler, Snoddy, and Warriner—27.

So said bill passed.

On motion the House adjourned till to-morrow morning, 9 o'clock,

THURSDAY, DECEMBER 23, 1841.

The House met according to adjournment.

The following messages were received from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 7. An act to extend the time of holding probate courts in Knox county;

No. 16. An act to amend an act regulating the times of holding the courts in the second judicial circuit of this State;

No. 21. An act to regulate the jurisdiction of justices of the peace in Hamilton county, with one amendment in which the concurrence of the House of Representatives is respectfully requested;

Also, engrossed bills of the Senate, entitled,

No. 64. An act changing the time of holding the Madison circuit court; and

No. 62. An act to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838, approved Feb. 15, 1841,

In which the concurrence of the House of Representatives is respectfully requested,

Which amendment was concurred in by the House.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled as follows:

No. 28. An act for the relief of borrowers of school and surplus revenue funds.

Also, bills of the House of Representatives, entitled as follows:

No. 20. An act to legalize the election of the probate judge of La Porte county and for other purposes;

No. 100. An act to change the mode of selecting petit jurors in Jackson county;

The last named with amendments, in which the concurrence of the House of Representatives is requested,

Which amendments were concurred in.

Bill of the Senate, No. 64, mentioned in said message, was read a first and second times, (the rules being suspended,) and ordered to be engrossed.

Bill of the Senate, No. 62, mentioned in said message, was read a first time and passed to a second reading.

Bill of the Senate, No. 28, spoken of in the message, was read a first and second times, (the rules suspended,) and referred to the judiciary committee.

PETITIONS WERE PRESENTED;

By Mr. Brown of M., of Jacob Koonkle, on the subject of a state road, referred to the committee on roads.

Mr. Brown of M., asked to be discharged from the consideration of a petition and remonstrance on the same subject, and that they be referred to the committee on roads;

Which was agreed to.

Mr. Matheney, from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred a bill of the House No. 55, entitled a bill to create a fund for the support of the poor, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its indefinite postponement.

The bill was accordingly indefinitely postponed.

Mr. Mitchell, from the committee on military affairs, made the following report :

MR. SPEAKER :

The committee on military affairs, to whom was referred a bill, 103, relative to the distribution of public arms, have had the same under consideration, report it back to the House without amendment, and recommend its passage.

And said bill No. 103, mentioned in said report, was then ordered to be engrossed.

Mr. Chapman of H. made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of William Curry of Hancock county, have had the same under consideration, and directed me to report the following bill :

No. 108 ;

Read a first time and passed to a second reading.

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens from the counties therein named, representing that whereas S. P. Moore, successor to Moore and Lawrence, has, in pursuance of an act of the Indiana Legislature, passed February 4, 1837, erected a mill dam and mills on the site therein named, which have met public expectation, &c. ; and whereas, the aforesaid Moore has been and still is harrassed with expensive suits by indictment for erecting the aforesaid dam ; and praying the legislature to so amend the act aforesaid, that the protection of the law as contemplated in the erection of said dam and mills may be amply afforded to the proprietor or proprietors of the same ; and that no suit may hereafter be brought against him or them, unless for damages actually sustained in navigating the river ; and also praying that the proprietor or his successors be authorised to add to the height of said dam, two feet on the northern, and one foot on the southern half of the same, have had the subject referred to them under consideration, and have directed me to report :

That they suppose the law under which the said proprietor has been and is still harrassed with expensive suits by indictment, as is stated in the petition, is the 42d section of " an act relative to crime and pun-

ishment," approved February 10, 1831, which is as follows : " That every person who shall erect, keep up, maintain or continue, any mill dam or other artificial obstruction, in or across the bed or channel of any navigable stream or river, the bed or channel whereof may not have been surveyed and sold as land by the United States, shall upon conviction thereof be fined in any sum not less than three dollars nor more than five hundred dollars for each and every week such dam or other artificial obstruction may have been kept up, maintained or continued as aforesaid." The committee have no doubt but that the legislature may repeal this section of the act relative to crime and punishment, if they should think it expedient and proper so to do, or they may so amend the act of February 4, 1837, as that this section shall not apply to the proprietor of the dam in question ; but they think it by no means clear that the legislature could so amend the act of February 4, 1837, that no suit could hereafter be brought against the proprietor or proprietors of the dam, unless for damages actually sustained in navigating the river.

If the 42d section of the law of Indiana, relative to crime and punishment which is above cited, were repealed, it may be asked, what laws would then be in force on this subject which would interfere with the right of the Legislature to amend the act of 4th Feb., 1837, in such manner as to accord with the prayer of the petitioners?—the committee would answer, that, Firstly, the ordinance of Congress of July 13th, 1787, *is still in force*, and that the fourth article of compact therein contained, says: " The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor."

Secondly:—The act of Congress of April 19th, 1816, enabling the people of Indiana Territory to form a Constitution and State Government, *is in force*, and in the fourth section thereof, the articles of the ordinance of the 13th of July, 1787, " Are declared to be irrevocable between the original States and the people and States of the territory north-west of the river Ohio:" and

Thirdly—The ordinance of the representatives of the people of the territory of Indiana, in convention met of the 29th June, 1816, *is in force*. By this ordinance of Indiana, the convention agree, determine, declare and ordain, that they will and do accept the propositions of Congress as contained in the act of 19th April, 1816; And also, for themselves and their posterity declare, that said ordinance, and every part thereof, shall forever be and remain irrevocable and inviolate, without the consent of the United States in Congress assembled, first had and obtained for the alteration thereof, or any part thereof.

These laws being then in force, the question would be, can the Legislature of Indiana, in the face of the ordinance of 1787, the fourth article of which declares the navigable waters leading into the Mississippi, &c., (of which the east fork of White river, where the dam in

question is erected, is one,) shall be common highways, and forever free to all, &c.; and the articles of this ordinance having been declared to be irrevocable, both by the act of Congress of 19th April, 1816, and the ordinance of Indiana of 29th June, 1816; can the Legislature then, we say, constitutionally in the face of this ordinance, so amend the act of the 4th of Feb., 1837, as that no suit may hereafter be brought against the proprietors, unless for damages actually sustained in navigating the river, as prayed for in the petition?—the committee think not; they believe the Indiana Legislature has not power to throw a screen around any individual, to protect him from the consequences which would follow from obstructing the navigation of the river aforesaid, which the committee deem a manifest violation of the ordinance of Congress, so as aforesaid declared to be irrevocable, both by Congress and the convention of Indiana.

For these reasons, the committee think it inexpedient to amend the act of 4th Feb., 1837, as prayed for by the petitioners.

With regard to that part of the petition which prays that the proprietor aforesaid may be authorized to increase the height of his dam, the committee think the Legislature could not, constitutionally, grant such authority; but as they have already, a few days ago, reported at length on this part of the subject, when considering the petition of the citizens of Jackson county against the obstruction to the navigation, occasioned by this very dam, they think it unnecessary to add any thing further now, but would respectfully refer the House to said report, and pray to be discharged from any further consideration of the said petition.

E. L. DUNBAR,
GEORGE MAY.

The undersigned, the other member of the committee, dissents to the foregoing report:

R. G. NORVELL.

And on the question, Will the House concur with the committee in their report?

Was decided in the negative.

On motion,

The whole subject was referred to the Judiciary committee.

On motion of Mr. Chapman of H.,

Resolved, That the select committee to whom was referred a bill on the subject of furnishing the county of Lagrange with a set of Blackford's Reports, be instructed to amend said bill so as to authorize the Secretary of State to replace in Hancock county Library, one set of the said reports, which was burned in the late conflagration of the town of Greenfield, in said county of Hancock.

On motion of Mr. Stratton,

Resolved, That the Engineer having the superintendence of the Madison and Indianapolis Railroad, report to this House as soon as practicable, the estimates due the several contractors thereon, up to this time, and whether the contracts have all been completed or suspended, and when?

On motion of Mr. Bowers,

Resolved, That the committee on education be instructed to report to this House, a bill providing for the distribution, among the several counties of the State, for the support of common schools, the portion of the proceeds of the public lands, to which the State of Indiana is or may be entitled by the act of Congress, providing for the distribution of the proceeds of the public lands to the different States.

On motion of Mr. Chapman of H.,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of amending the law concerning crimes and punishments, where fine and costs is the only punishment, provided for by said act, so that the body of no person shall hereafter be imprisoned for said costs.

On motion of Mr. Simonson,

Resolved, That the judiciary committee, to which was referred a resolution in regard to the number of jurors to be summoned for each week of the circuit court in certain counties, be instructed to inquire into the expediency of amending the existing law in respect to jurors, so as to provide that the number of petit jurors to be summoned for each week of the circuit court, be at the discretion of the boards doing county business in the several counties.

On motion of Mr. Leslie,

Resolved, That a select committee be appointed to report as near as may be, for the information of this House, the number of acres of Congress land remaining unsold in each county in this, in the Cincinnati, Jeffersonville, and Vincennes districts, and south of the National road. And also, to report to this House a memorial, the object of which shall be to memorialize Congress to grant to the State of Indiana, all the lands which lie within the boundaries of said State, that have been in market for fifteen years, and have not been entered or sold, for the purpose of aiding in prosecution to completion some of the most important of the public works of said State.

Messrs. Leslie, Devin, Deming, Williamson, and Tisdale, were appointed said committee.

On motion of Mr. Norvell,

Resolved, That a select committee of three be appointed to inquire into the expediency of reporting a bill making it the duty of the sheriff of Lawrence county to summon petit jurors from the by-standers or others, under rules and regulations prescribed by law; and that the fees of said jurors shall be taxed against the parties litigant, as other costs of suit.

Messrs. Norvell, Barnett, and Gorman were appointed said committee.

On motion of Mr. Foulk,

Resolved, That the investigating committee be instructed to ascertain, if possible, the amount of State bonds sold or hypothecated, for which no valuable consideration has been received. Also, to identify said bonds. Also the amount and identity of bonds *not now* in

possession of the State, which have not been sold or hypothecated, and report to this House.

On motion of Mr. Deming,

Resolved, That the committee on roads be instructed to report a bill providing for the setting up of gates in certain county roads running through the county of Tippecanoe.

On motion of Mr. Robinson of C.,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of reporting to this House a bill relating to marks and brands of cattle, sheep, and hogs.

On motion of Mr. Foley,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of repealing an act entitled, an act to provide for the settlement of suspended claims for labor on the public works, approved February 15, 1841. Such repealing act not to take effect until the first day of March, 1842.

On motion of Mr. Sinks,

Resolved, That the committee on roads be instructed to inquire into the expediency of amending so much of an act relating to public roads and highways, approved Feb. 17, 1838, as relates to a change of a public highway, as requiring three of the petitioners to be residents of the neighborhood, to so change that law as to require a majority of the petitioners for such change to reside in the immediate neighborhood where such change is required to be made.

On motion of Mr. Graham,

Resolved, That the committee on education be requested to inquire into the expediency of so amending the 6th section of the 6th chapter of the school law, that said section be repealed, and make it the duty of the school commissioner to loan the funds therein named for the benefit of townships not applying for the same.

On motion of Mr. O'Neill,

Resolved, That the committee on roads be instructed to report a bill to this House repealing so much of the act regulating the mode of opening and repairing public roads and highways, approved Feb. 24th, 1840, as provides that all road labor for personal privilege shall be worked out between the 15th of May and the 1st of July in each and every year, so far as the counties of Greene and Owen are concerned.

Mr. Bearss offered the following resolution:

Resolved, That the committee on Canals and Internal Improvements inquire into the expediency of the State paying a bounty on all muskrats caught or killed in the Wabash and Erie canal; and that they report by bill or otherwise.

Mr. Ritchey moved to amend by inserting counties instead of State; Which was lost.

A motion to refer to the committee of ways and means, was also lost.

The resolution was then adopted.

On motion of Mr. Williamson,

Resolved, That the committee on the judiciary, to whom was re-

ferred a bill for the reduction of the interest on and for extending the time of the payment of the surplus revenue funds, school fund be instructed to amend the same so as to exempt Union county from the provisions of said bill so far as relates to the reduction of interest thereon.

Mr. Chapman of L. moved to amend so as to inquire into the expediency;

Which was agreed to.

The resolution as amended was then adopted.

Mr. Davis offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so changing the law on the subject of collecting tolls on the New Albany and Vincennes Turnpike Road, as to authorize the toll-gatherers on said road to charge persons for no greater distance than they actually travel on said road.

On motion of Mr. Devin,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the 12th section of an act entitled an act pointing out the mode of levying taxes, as to require the assessor to call to his assistance in the valuation of town property, one resident freeholder of the town, the property of which he may be required to value—with leave to report by bill or otherwise.

Mr. Defrees, from the judiciary committee, (*by consent*) made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of requiring executions in capital cases to take place in the walls of the prison, or in some other private manner; and into the expediency of abolishing capital punishment, have had it under consideration, and have directed me to report, that, in their opinion, it is inexpedient to abolish capital punishment: they think, however, that such punishment should hereafter be inflicted in private, and have, accordingly, instructed me to report a bill abolishing public executions, which is herewith submitted:

No. 109, a bill to abolish public executions;

Read first time and passed to second reading.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Brown of M., No. 110—A bill for the relief of the owners of certain lots in Indianapolis;

Read a first time, and passed to a second reading.

By Mr. Yocum, No. 111—A bill changing the mode of doing county business in the county of Clay;

Read a first time, and passed to a second reading.

By Mr. Townsend, No. 112—A bill to limit the jurisdiction of justices of the peace in Hendricks county;

Read a first time, and passed to a second reading.

Mr. Garrigus moved to take from the table a report of Mr. Ritchey from the committee on education;

Which prevailed.

And a resolution spoken of in said report, in relation to certain sections of an act for the Government of the Indiana University, was referred to a select committee of Mr. Garrigus, Brown of M., and Robinson of C.

ORDERS OF THE DAY.

Bills of the Senate;

No. 30—A bill;

Read a second time, and laid on the table.

No. 35—A bill to amend an act, entitled an act, regulating the mode of doing county business in the several counties of this State;

Read a second time, and referred to the judiciary committee.

No. 32—A bill to repeal an act, entitled an act, incorporating the Washington county Seminary.

No. 33—A bill to provide for changing the time of holding the Probate Courts in the county of Orange.

No. 26—A bill to define more particularly the duties of the commissioner of the three per cent fund in Daviess county.

No. 37—A bill to legalize the proceedings of Hamilton Lapham, as commissioner to survey and locate a State road from Lebanon, in Boone county to Thorntown;

Which bills were each read a second time, and ordered to be engrossed.

BILLS OF THE HOUSE.

No. 78—A bill supplemental to the act for the selection, rating &c. of the Wabash and Erie canal lands;

Read a second time, when,

Mr. Bearss moved to amend by fixing the rates of said land at 5, 3 and 2 dollars per acre;

Which amendment was adopted,

And the bill then ordered to be engrossed.

No. 85—A bill to exempt certain persons therein named from paying a poll tax;

Read a second time.

Mr. Brown of M., moved to amend the bill so as to include in its provisions those who served in the Black Hawk war.

On motion Mr. Garrigus,

Said bill was indefinitely postponed.

No. 79—A bill for the relief of the heirs at law of George Knox, deceased;

No. 81—A bill to provide for the election of a justice of the peace in the town of Jonesborough in Greene county;

No. 84—A bill for the relief of owners of Indian reservation lands;

No. 86—A bill to amend an act regulating the jurisdiction and duties of justices of the peace;

No. 90—A joint resolution to sell the six chain reservation;

No. 91—A bill to amend an act, entitled an act, to authorize the payment of contractors on the Wabash and Erie canal;

No. 92—A bill to vacate part of the town of Wilmington in Clinton county;

No. 93—A bill to fix the time of holding the Marion Circuit Court;

No. 95—A bill to exempt from taxation one hundred dollars worth of personal property;

Which bills were each read a second time and ordered to be engrossed.

No. 96—A bill for the relief of the contractors on the Madison and Indianapolis Railroad.

Mr. Marshall moved an amendment to said bill as follows:

Provided, That all payments made under the provisions of this act shall be deemed and taken as a part of the appropriations heretofore made for the construction of said road.

Pending this amendment, said bill and proposed amendment, was laid on the table.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

No. 98—A bill to authorize Nathan Kirk to build a bridge on the Michigan road;

Read a second time,

And on the question, Shall the bill be engrossed for a third reading? Was decided in the negative.

No. 97—A joint resolution for the relief of Alexander Beard;

No. 101—A bill to locate a State road;

No. 107—A bill to provide for the election of a Justice of the Peace in Shielville, Hamilton county;

Which bills were each read a second time, and ordered to be engrossed.

No. 104—A bill to locate a State road, therein named;

Read a second time, and referred to a select committee of Messrs. Cogswell, Chapman of H., and Rooker.

No. 106—A bill requiring members of the General Assembly to account to the Auditor of State;

Read a second time, and committed to a committee of the whole House, and made the order of the day for Saturday next.

The following message was received from the Governor by his private Secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed,

No. 18—An act to regulate the jurisdiction of Justices of the Peace in Green county;

Which originated in the House of Representatives.

BILLS ON THIRD READING.

No. 50—A joint resolution of the Senate for the benefit of the citizens of the reserved township in Gibson county;

Read a third time, and

On motion of Mr. Dunbar,

Laid on the table.

No. 63—House bill, for the relief of Samuel Snoddy;

No. 64—A bill locating a State road in Clay county;

No. 65—A bill amending an act, &c., to authorize the payment of contractors on the Wabash and Erie Canal, east of the mouth of Tippecanoe river;

No. 66—A bill for the relief of William McClure, of Franklin county;

No. 70—A bill supplemental to an act entitled "An act for prevention of frauds and perjury;"

No. 71—A bill to revive an act entitled "An act to incorporate the town of Mooresville in Morgan county;"

No. 74—A bill to legalize the marriage of William Gapen and Melinda G. Moore;

No. 76—A bill amendatory of an act entitled, "An act providing for a more uniform mode of doing township business in the several counties therein named;"

Which bills were each read a third time and passed.

On motion of Mr. Henley,

The vote on the passage of the last named bill was reconsidered, and the title of the bill amended by inserting Posey county.

On motion of Mr. Hannegan,

Bill No. 44, for the relief of the borrowers of the Sinking Fund and Surplus Revenue Fund, &c., was taken from the table and referred to the Judiciary committee.

On motion,

Joint resolution No. 72, was taken up;

Mr. Bradley moved to strike out the second resolution,

Which motion prevailed;

And then the said joint resolution was ordered to be engrossed.

Mr. Leslie asked and obtained leave to introduce the following preamble and resolution:

Whereas, It is necessary that the committees of this House should have time to act upon and prepare their reports on the various subjects to them referred, Therefore—

Resolved, That when this House shall adjourn, it shall be to meet on Monday morning, 9 o'clock.

Mr. Chapman of L. moved to strike out the preamble;

Which was lost.

Mr. Wines of A. moved to amend so as to provide for an adjournment from to-morrow till Monday;

Which motion was negatived.

On the question, Shall the resolution be adopted? the ayes and noes were demanded, and are as follows:

Those who voted in the affirmative were,

Messrs. Brown of D., Defrees, Grover, Leslie, Snoddy, Williamson and Wines of A.—7.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Bowers, Bradley, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Davis of S., Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulke, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Lingle, Marsh, Marshall, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannels, Rawlings, Reed, Ritchey, Robinson of C., Robinson of R., Rooker, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Sinks, Snook, Stratton, Thompson of F., Thompson of N., Tisdale, Townsend, Warriner, Wines of V., Yocum and Mr. Speaker—89.

So the resolution was not adopted.

Mr. Cogswell asked and obtained leave to introduce the following resolution:

Resolved, That the Chief Engineer be directed to communicate to this House the amount that has been applied on the construction of the northern portion of the Central Canal, and the manner in which the same has been expended;

Which was adopted.

Mr. Robinson of R. asked and obtained a suspension of the rules to introduce the following resolution:

Resolved, That the committee on Canals and Internal Improvements be requested to report a bill to this House, at as early a day as possible, authorizing Phillip Mason, Canal Commissioner, to make conveyance of a certain lot of land in the town of Lawrenceburgh, that was exchanged to P. James for other, for the use of the White Water canal;

Which resolution was adopted.

Mr. Bradley moved to take from the table bill No. 40, to provide for a Board of Equalization.

Upon this motion, Messrs. Henley and Sayler demanded the ayes and noes, which are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Clark, Cooley, Cooper, Cotton, Deming, Edwards, Ellis, Foulk, Frink, Garrigus, Grover, Hackleman, Hendricks, Hodges, Hutton, Lee, Marshall, May, Meeker, Milliken, Mitchell, Murray, Ogden, Rand, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Runyon, Shively, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend, Warriner, Williamson, Wines of Allen—42.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of Floyd, Davis of Sullivan, Devin, Dunbar, Foley, Gilbert, Goodenow, Goodhue, Gorman, Graham, Hannegan, Harding, Henley, Hoobler, Howard, Lawrence, Leslie, Lingle, Marsh, Matheny, McAlister, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Quick, Rawlings, Ritchey, Rooker, Saffer, Saunders, Sayler, Simonson, Snoddy, Snook, Thompson of Noble, Wines of Vigo, Yocum and Mr. Speaker—53.

So said bill was not taken from the table.

Mr. Quick asked and obtained the consent of the House to introduce the following resolution,

Which was adopted.

Resolved, That the Chief Engineer be requested to communicate to this House, without delay, the number of sections completed on the Madison and Indianapolis Railroad from the depot to Edinburgh, together with those which are not completed, the probable cost of completion, with such information in regard to the probable tolls as he may be in possession of.

Mr. Robinson, from the committee on enrolled bills, made the following reports:

Mr. SPEAKER—

The joint committee on enrolled bills has this day presented to his Excellency the Governor for his approval and signature, the following bill of the House of Representatives, to-wit:

No. 18—An act to regulate the jurisdiction of justices of the peace in Greene county;

Also—

The joint committee on enrolled bills report that they did on this

day present to his Excellency the Governor, for his approval and signature, to-wit:

A joint resolution of the Senate on the resumption of specie payments by the States of Ohio, Kentucky and Illinois.

Also—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate and find the same truly enrolled, to-wit:

No. 17—An act for the establishment of a State road in Fayette county.

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives and find the same truly enrolled, to-wit:

No. 102—A bill repealing the 18th, 21st and 23d sections of the act prescribing the duties of County Treasurers, approved February 12th, 1841.

On motion of Mr. Dunbar,

Joint resolution No. 50, for the benefit of the citizens of the reserved township in Gibson county,

Was taken from the table and passed.

Mr. Myers asked and obtained leave to introduce the proceedings of a meeting of citizens of Vincennes;

Which was read and laid on the table.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, DEC. 24, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Milton Stapp, late Fund Commissioner of Indiana,

Which was read, and,

On motion of Mr. Marshall,

One thousand five hundred copies of said report were ordered to be printed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Dunbar asked leave of absence for Mr. Quick, the Representative from Bartholomew county, until Thursday next;

Which was granted.

The Speaker laid before the House a report of the Chaplain of the State Prison at Jeffersonville;

Which was referred to the committee on the State Prison.

The House proceeded to the

ORDERS OF THE DAY.

Bills of the Senate—

No. 26—A bill of the Senate to define more particularly the duties of the Commissioner of the three per cent. fund in Daviess county;

No. 32—A bill to repeal an act entitled an act incorporating the Washington County Seminary;

No. 33—A bill to provide for changing the time of holding the Probate Courts in the county of Orange;

No. 37—A bill to legalize the proceedings of Hamilton Lapham as commissioner to survey and locate a State road from Lebanon, in Boone county, to Thorntown;

No. 64—A bill changing the time of holding the Marion Circuit Court;

Which bills of the Senate were each read a third time and passed.
Bills of the House—

No. 72—A joint resolution of the House respecting fugitives from justice;

No. 78—A bill supplemental to the act for the selection, rating, &c., of the Wabash and Erie Canal lands;

No. 81—A bill to provide for the election of a justice of the peace in the town of Jonesboro' in Greene county;

No. 84—A bill for the relief of owners of Indian reservation lands;

No. 86—A bill to amend an act regulating the jurisdiction of justices of the peace;

No. 90—A joint resolution to sell the six chain reservation;

No. 92—A bill to vacate part of the town of Wilmington in Clinton county;

No. 93—A bill to fix the time of holding the Marion Circuit Court;

No. 95—A bill to exempt from taxation one hundred dollars worth of personal property;

No. 97—A joint resolution for the relief of Alexander Beard;

No. 98—A bill to authorize Nathan Kirk to build a bridge on the Michigan road;

No. 101—A bill to locate a State road;

No. 107—A bill to provide for the election of a justice of the peace in Shielville, Hamilton county;

Which bills of the House were each read a third time and passed.

No. 79, a bill for the relief of the heirs at law of George Knox, deceased;

Read a third time and failed.

No. 91, a bill to amend an act entitled an act to authorise the payment of contractors on the Wabash and Erie canal, &c.;

Read a third time and laid on the table.

Mr. Foley moved a reconsideration of joint resolution No. 97;

Which motion prevailed.

Mr. Foley then moved to recommit to the committee on canals and internal improvements, with the following instructions:

Inquire into the usual method of measurement and the nature of his (Beard's) contract, and the measurement made him;

Which motion did not prevail;

Said joint resolution then passed.

No. 115, a bill relative to the distribution of public arms;

Read a third time, and,

On motion of Mr. Clark,

Recommitted to the committee on military affairs with the following instructions:

"To so amend the bill that any officer having given bond shall be released on his successor going into office and giving bond, until which time he shall have control of the arms and accoutrements, and also to provide for securing arms that have heretofore been distributed, and to preserve such arms from being used for ordinary purposes."

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 102, an act repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers, approved February 12th, 1841. Which originated in the House of Representatives.

On motion of Mr. Hannegan,

The committee of the whole was discharged from the consideration of bill No. 106, requiring members of the General Assembly to account to the Auditor.

The said bill was laid on the table.

PETITIONS WERE PRESENTED,

By Mr. O'Neill, of citizens of Greene county, in relation to a tobacco inspection in said county;

Which was referred to a select committee of Messrs. O'Neill, Snoddy and Clements.

By Mr. Chapman of L., of citizens of the county of Marshall, remonstrating against any additional stay laws;

Which was laid on the table.

Mr. Brown of M., from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred a joint resolution in relation to Green River Island, have had that subject under consideration, and directed me to report the same back to the House, and recommend its passage.

Said joint resolution was then ordered to be engrossed for a third reading.

Mr. Brown of M., from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill No. 75 of the House, entitled "a bill to amend an act entitled an act authorising aliens and foreigners to hold real estate within the State of Indiana, approved January 14, 1818," have had the same under consideration, have examined its provisions and have directed me to report the same back to the House, and recommend its passage.

And said bill was ordered to be engrossed for a third reading.

Mr. Marshall, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a resolution of the House directing an inquiry into the expediency of providing by law that the several counties in this State, which have not, shall procure asylums for the poor of their respective counties, as soon as practicable, have had that subject under consideration, and have directed me to report, that the several counties have, under the existing laws, power to establish such asylums, many of which have already exercised such power; your committee, therefore, think it better to leave the matter to the discretion of the several boards doing county business; and therefore it is inexpedient further to legislate on this subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill of the House, No. 36, entitled a bill to amend an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its indefinite postponement.

And said bill was accordingly indefinitely postponed.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the several petitions of Robert Porter and others, praying that a property law or stay law may be passed, and another petition praying that no stay or property law may be passed, have had these subjects under consideration, and have directed me to report the same back to the House, and recommend that the said petitions be laid on the table, as the House has already acted on the subject; and ask to be discharged from the further consideration thereof.

Mr. Brown of M., from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill No. 60, entitled "a bill to amend an act defining the duties of recorders," approved February 17, 1838, have had the same under consideration, and have directed me to report the same back with one amendment, and recommend its passage;

Which amendment was not concurred in.

Mr. Hoobler moved to reconsider the vote on concurring;

Which was carried.

The amendment was then concurred in, and the said bill passed.

Mr. Hannegan, from the committee on canals and internal improvements, reported a joint resolution,

No. 113, in relation to the Wabash and Erie canal lands;

Which was read a first time and passed to second reading.

Mr. Wines of Allen, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution requiring said committee to inquire into the propriety of extending the provisions of an act entitled an act for the relief of settlers on canal lands, have had the same under consideration,

and have instructed me to report the following bill and recommend its passage :

No. 114, a bill to extend the provisions of an act entitled an act for the relief of settlers on the Wabash and Erie canal lands ;

Read a first time and passed to a second reading.

Mr. Clements made the following report :

MR. SPEAKER :

The committee on canals and internal improvements have instructed me to report the following resolution, and ask the concurrence of the House therein :

Resolved, That the Speaker of the House of Representatives be requested to issue his subpoena for Noah Noble and W. S. Hubbard to appear before the committee on canals and internal improvements to answer such questions, under oath, as may be put to them, or either of them, at such time as the committee may designate.

The House concurred, by adopting the resolution.

Mr. Montgomery, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the bill of the House No. 88, entitled a bill to incorporate the Muncietown and Fort Wayne Turnpike Company, have had the same under consideration, and made several amendments thereto, in which they have directed me to ask the concurrence of the House, and recommend the passage of the bill ;

Which amendments were severally concurred in, and the bill ordered to be engrossed.

Mr. Graham, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of J. W. B. Moore and other citizens of Warrick county, on the subject of a state road, have had the same under consideration and directed me to report a bill :

No. 115, declaring the road from Winslow in Pike county, to Boonville in Warrick county, a state road ;

Read a first time and passed to a second reading.

Mr. Chapman of H., from a select committee, reported back to the House, bill 104, to locate a state road in Hancock and Hamilton counties, with amendments ;

Which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Robinson of C., made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of sundry citizens of Tippecanoe county, respecting the county boundary between that county and the county of Carroll, have had that subject under consideration and have directed me to report that, inasmuch as the petitioners have not complied with an act passed at the last session of the legislature, entitled "an act defining the duties of petitioners for re-locating seats of justice and for other purposes," approved February 4th, 1841, in giving the requisite notice, the petitioners are not entitled to relief in the premises. The committee asked to be discharged from the further consideration of this subject ;

The committee was discharged accordingly.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, a joint resolution of the House of Representatives, entitled,

No. 46. A memorial and joint resolution on the subject of the National Road ;

Also, an engrossed bill of the Senate, entitled,

No. 22. An act to amend an act, entitled, "an act to incorporate the Richmond Trading and Manufacturing Company ;

In which bill of the Senate, the concurrence of the House of Representatives is respectfully requested.

Bill No. 22, mentioned in said message, was read a first and second times and passed to a third reading.

Mr. Chapman of L., moved to adjourn till Monday, 2 o'clock, P. M.

And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of D., Chapman of L., Defrees, Ellis, Grover, Hackleman, Hannegan, Henley, Leslie, Marshall, Runyon and Sinks—14.

Those who voted in the negative were,

Messrs. Barnett, of L., Bowers, Brown of M., Butler, Chapman of H., Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Davis of S., Deming, Devin, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Harding, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Lingle, Marsh, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Ogden, O'Neill, Peak, Percy, Poulson, Rand, Rannels, Rawlings, Reed, Robinson of C., Robinson

of R., Rooker, Saffer, Shively, Shoup, Simonson, Snook, Stratton, Thompson of F., Thompson of N., Tisdale, Warriner, Williamson, Wines of A., Yocum and Mr. Speaker—73.

So the House refused to adjourn.

Mr. Robinson of R., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they did on this day, present to His Excellency, the Governor, for his approval and signature, the following entitled bill of the House of Representatives, to wit:

No. 102. A bill repealing the 18th, 21st, and 23rd sections of the act prescribing the duties of county treasurers, approved February 12th, 1841;

Also, the joint committee on enrolled bills, report that they did, on this day, present to His Excellency, the Governor, for his approval and signature, the following entitled bill of the Senate, to wit:

No. 17. An act for the establishment of a state road in Fayette county.

Mr. Henley moved a call of the House;

Which was ordered.

Those absent were, Messrs. Hendricks, Matheny, Norvell, Ritchey, Saylor, Snoddy, Townsend, Whight and Wines of V.

Mr. Hannegan moved that the doors be closed and the sergeant-at-arms be despatched for the absentees;

Which was ordered.

On motion the House adjourned till Monday, 9 o'clock, A. M.

MONDAY MORNING, DECEMBER 27, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Jesse L. Williams, in relation to the Madison and Indianapolis railroad;

Which was referred to the committee on canals and internal improvements.

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof, entitled as follows, viz:

No. 29—an act for the relief of certain persons therein named;

No. 41—an act to amend an act entitled, "an act regulating the practice in chancery, approved Feb. 10, 1841;

No. 42—an act to amend the school law;

No. 43—an act to amend an act relating to county seminaries, approved Feb. 17, 1838;

No. 45—an act to provide for the distribution of the laws of Congress, to the several counties in this State;

No. 40—an act to declare a certain county road therein named, a State road;

No. 51—an act declaring a certain name a misprint, and for other purposes;

No. 52—an act declaring a certain road therein named, a public highway;

No. 57—an act to repeal an act entitled, an act incorporating a seminary in the county of Gibson, and for other purposes, approved Feb. 13, 1841;

In which several bills the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed, without amendment, an engrossed bill of the House of Representatives, entitled,

No. 43—an act for the relief of Pliny Hudson;

Bills Nos. 41, 42, 45, 49, 51, 52, and 57, mentioned in said message, were each read a first time and passed to a second reading.

Bill No. 29, mentioned in said message, was read a first time, and on motion of Mr. Bearss, laid on the table.

Bill No 43, mentioned in said message, was read first and second times, (the rules being suspended) and referred to the committee on education.

PETITIONS WERE PRESENTED.

By Mr. Murray, of citizens of Blackford county, on a subject therein named ;

Which was referred to the committee on claims.

By Mr. Brown of M., of citizens of Marion county, in relation to defining the duties of justices of the peace and constables in Marion county ;

Which was referred to a select committee of Brown of M., Harding, and Townsend.

By Mr. Hackleman, of citizens of Rush county, in relation to relief laws ;

Which was laid on the table.

By Mr. Simonson, of citizens of Charlestown, Indiana, asking for the establishment of a Branch of the State Bank of Indiana, at that place ;

Which was referred to the committee on the State Bank.

By Mr. Bearss, of citizens of Miami county, in relation to a subject therein named ;

Which was referred to the committee on roads.

By Mr. Shoup, of John B. Case and A. Hiter, on a subject therein named ;

Which was referred to a select committee of Messrs. Shoup, Cooley and Williamson.

Mr. Henley, from the committee of ways and means, made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a bill of the House, repealing the law authorising the granting of licences to exchange brokers, have directed me to report it back to the House, and recommend its passage.

The bill was read a third time and passed.

Mr. Henley, from the same committee, made the following report :

MR. SPEAKER :

The committee of ways and means to whom was referred a bill of the Senate, No. 1, entitled a bill to repeal part of the revenue laws now in force in the State of Indiana, have directed me to report it back to the House with one amendment, and recommend its passage ;

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Davis, from the committee of ways and means, made the following report :

MR. SPEAKER :

The committee of ways and means, to which was referred a resolution, instructing them to inquire into the expediency of so changing the law levying a tax on bank stock, that the fifteen per cent. now assessed by the State, in lieu of all county and road tax, be paid into the county treasury, have had that subject under their consideration, and have instructed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

The House refused to concur in the report, and,

On motion of Mr. Chapman of L.,

The resolution was recommitted to a select committee of Messrs. Chapman of L., Wines of A., and Monroe.

Mr. Shoup moved a re-consideration of the vote on the passage of bill No. 10 ;

Which prevailed.

Mr. Shoup then moved to re-commit said bill to the judiciary committee, with the following instructions :

Provided, That nothing herein shall be so construed as to exempt insurance offices, savings institutions, or incorporations of any kind, who shall exercise the business of brokerage ;

Which motion did not prevail.

And then said bill passed.

Mr. Davis, from the same committee, made the following report :

MR. SPEAKER :

The committee of ways and means to which was referred a resolution instructing them to inquire into the expediency of printing a sufficient number of copies of the laws of the State in the German language to furnish a copy of the same to each county library in the State, have had the subject under consideration and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

The committee was then discharged.

Mr. Marshall, from the judiciary committee made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred the communication of his Excellency the Governor, on the subject of the revision of the laws of this State, have had that subject under consideration and have directed me to report the following bill, viz :

No. 116—A bill supplemental to an act entitled an act to provide for the revision of the laws, &c. ;

Which was read a first time and passed to a second reading.

Mr. Brown of Marion, from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred the petition of Elizabeth Neal and others, praying an order for the sale of certain real estate, have had that subject under consideration and have directed me to report the following bill to provide for a general law on that subject:

No. 117—A bill to provide for the sale of lands belonging to minors;

Which was read a first time and passed to a second reading.

Mr. Brown of Marion, from the same committee made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a resolution of the House instructing your committee to inquire into the expediency of so amending the practice act as to require the Clerks of the Circuit Courts to insert cases upon their docket according to the priority of the commencement of the same, have had that subject under their consideration and have directed me to report, that in their opinion such a law would be unnecessary, as the courts would at all times have the right to make the manner of keeping the Court docket subject to their decision and control, and that the Clerks according to the practice generally, make that their guide in making out their docket, they are therefore of the opinion that it is unnecessary to legislate on that subject, and ask to be discharged from its further consideration.

And the committee was discharged accordingly.

Mr. Brown of M., from the same committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary, to which was referred a resolution instructing said committee to inquire into the expediency of withholding the interest on the suspended debt to the State of Indiana until the fraudulent bonds are identified, have taken that subject under their consideration, and report, That inasmuch as a joint resolution for the repudiation of so much of the State debt as no consideration has been received for, is under investigation before your committee, and that a report will soon be made to this House in which, we hope, all the State bonds fraudulently obtained, will be fully set forth and identified, and presented in a proper shape for the action of the House, and that as the State is not paying the interest on any of her bonds, your committee cannot see the necessity of any speedy action upon a sub-

ject of so much importance, they have therefore directed me to report that, in their opinion, it is unnecessary to legislate upon that subject at this time, and ask to be discharged;

And the committee was then discharged from the further consideration of the subject.

Mr. Brown of M., from the same committee, reported

No. 118—A bill to prevent the forfeiture of school lands, and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Dunbar, from a select committee, made the following report:

MR. SPEAKER:

The select committee appointed for the purpose of examining into, and reporting upon the unfinished business of the House of Representatives at the last session of the General Assembly, have been engaged in the performance of that duty, and have directed me to report, That they find that a bill of the House at the last session of the Legislature, numbered 367, entitled, "A bill for the relief of Clements & Roddick, contractors on the southern division of the Central Canal," had been read three several times in the House, and passed; that said bill was also read three times in the Senate, and passed with an amendment; that on the 13th February, 1841, said bill was reported from the Senate, and the concurrence of the House in the amendment of the Senate requested, and upon motion of Mr. Smydth of Daviess, laid upon the table; (see journal of H. R., of 1840-41, page 813.) No further proceedings were had in the House in relation to this bill, during the session. The committee would therefore respectfully recommend that said bill, No. 367 of the last session, be taken from the table, and together with the amendment of the Senate, referred to the committee on Canals and Internal Improvements;

Which report was concurred in, and the said bill referred accordingly.

Mr. Townsend, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred bill of the House No. 120, have according to order, had the same under consideration, and directed me to report the same back to the House, and recommend its passage:

No. 120—A bill to amend an act entitled an act to amend an act, &c., entitled, an act to distribute so much of the surplus revenue of the United States as the State of Indiana may be entitled to, &c.;

Read a first time, and passed to a second reading.

RESOLUTIONS.

Mr. Bowers offered the following resolution:

Resolved, That the committee of Ways and Means be directed to inquire into the expediency of authorizing the Treasurer of State to receive Indiana State bonds in payment of mortgages received by the State from the Indianapolis and Lawrenceburgh Railroad company, and to report by bill or otherwise.

Mr. Milliken moved to amend the resolution so as to change its reference to a select committee;

Which was not agreed to.

The resolution was then adopted

Mr. Milliken offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law regulating the mode of summoning and empannelling grand and petit jurors, that in all cases where any of the jurors, selected by the Board doing county business, and the Clerk of the court, shall have business that will call them away in time of court, so that they cannot conveniently attend court, by making it known to the officer who serves the summons at the time of its service, or any time within five days of the sitting of the court, it shall be the duty of the said officer, to strike such person or persons from the list of jurors, and summons some other qualified person or persons, to fill his or their places;

Which was not adopted.

On motion of Mr. Robinson of R.,

Resolved, That the committee on canals and Internal Improvements be requested to report a bill to this House at as early a day as possible, authorizing Philip Mason to dispose of a lot of water proof lime, now on hand in the city of Louisville Kentucky.

BILLS INTRODUCED.

By Mr. Nelson, No. 121—A bill to repeal an act for the preservation of Sheep, approved Jan. 25, 1841.

Read a first time and passed to a second reading.

By Mr. McAlister, No. 122—A bill to reduce the compensation of members of the General Assembly, and to provide for the administration of the government on principles of strict economy.

Read a first time, and passed to a second reading.

By Mr. Bradley, No. 123—A bill fixing the times of holding circuit courts in 9th judicial circuit.

Which was read a first and second times,

The rules being suspended,

And ordered to be engrossed.

By Mr. Murray, No. 124—A bill to incorporate the Wabash bridge company in the county of Huntington.

Read a first and second time,

The rules being suspended,

And referred to the committee on corporations.

By Mr. Deming, No. 125—A bill for the relief of Cyrus Ball administrator *de bonis non* of Valerius Armitage.

Read a first and second times,

The rules being suspended,

And referred to the committee on the judiciary.

By Mr. Clements, No. 126—A bill to incorporate the White river Manufacturing company in Daviess and Knox counties,

Read a first and second times,

The rules being suspended,

And referred to the committee on corporations.

The House then proceeded to the,

ORDERS OF THE DAY.

Mr. Marsh moved to take from the table, No. 30, A bill of the Senate,

Which motion prevailed.

Mr. Marsh then moved that said bill be referred to a select committee;

Which was consented to, and,

Messrs. Marsh, Tisdale and Thompson of N. and L., were appointed said committee.

Mr. Milliken moved to take from the table No. 40, A bill to provide for a new board of equalization &c.

Which motion prevailed.

Mr. Bradley moved to strike out the 3, 5, 6, 7 and 8th sections in said bill;

Which was agreed to;

The bill was then (by consent) laid on the table.

The Speaker laid before the House a communication from Gov. Bigger, in relation to a claim of Capt. Spear Tipton;

Which with the accompanying documents, were referred to the committee on military affairs.

BILLS OF THE SENATE ON SECOND READING.

No. 22, a bill to amend an act, entitled an act, to incorporate the Richmond Trading and Manufacturing company;

Read a second time and ordered to be engrossed.

No. 62, an act to amend an act incorporating congressional townships, and providing for public schools therein &c;

Read a second time, and ordered to be engrossed.

BILLS OF THE HOUSE.

No. 108, a bill to vacate the town of Benton in Hancock county;

Read a second time, and ordered to be engrossed.

No. 110, a bill for the relief of the owners of certain lots in Indianapolis;

No. 111, a bill changing the mode of doing county business in the county of Clay;

No. 112, a bill to limit the jurisdiction of justices of the peace in Hendricks county;

No. 114, a bill extending the provisions of an act, entitled an act, for the relief of the settlers on the Wabash and Erie canal lands, &c.;

No. 115, a bill declaring the road from Winslow in Pike county, to Boonville in Warrick county a State road;

Which bills were each read a second time, and ordered to be engrossed for a third reading;

No. 109, a bill to abolish public executions;

Mr. Runyon moved to amend said bill as follows:

Insert the word "nearest," after the word county second section;

Which was adopted.

Mr. Cogswell moved to postpone indefinitely said bill;

And on this motion the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Brown of Marion, Cogswell, Cooley, Coon, Dunbar, Garrigus, Goodhue, Harding, Hodges, Hoobler, Hutton, Lawrence, Leslie, Marshall, McAlister, Monroe, O'Neill, Peak, Reed, Robinson of Carroll, Saffer, Shively, Thompson of Fayette, Thompson of Noble, Tisdale, Whight and Yocum—27.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Goodenow, Graham, Grover, Hackleman, Hannegan, Henley, Howard, Lee, Lingle, Marsh, May, Meeker, Milliken, Montgomery, Murray, Nelson, Ogden, Percy, Poulson, Rand, Rannels, Robinson of Rush, Runyon, Saunders, Shoup, Simonson, Sinks, Snook, Stratton, Townsend, Warriner, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—56.

So said bill was not indefinitely postponed.

Mr. Chapman of Hancock moved to strike out jail yard or other secret place;

Which was not adopted.

Mr. Henley moved that the bill be considered as engrossed and read a third time now;

Which motion did not prevail.

Mr. Defrees moved that the bill be referred to a select committee;

Which motion prevailed, and

Messrs. Defrees, Hannegan and Chapman of Hancock were appointed said committee.

No. 113—A Joint Resolution in relation to the Wabash and Erie Canal lands;

Read a second time, and,

On motion of Mr. Hannegan,

Referred to the committee on canals and internal improvements;

HOUSE BILLS ON THIRD READING.

No. 75—A bill to amend an act entitled an act authorizing *aliens* and foreigners to hold real estate within the State of Indiana;

No. 98—A bill to incorporate the Muncietown and Fort Wayne Railroad Company;

No. 89—A joint resolution in relation to Green River Island;

No. 104—A bill to locate a State road in Hancock and Hamilton counties;

Which bills were each read a third time and passed.

Mr. Hoobler moved to take up bill 106, requiring members of the General Assembly to account to the Auditor;

Which was referred to a select committee of Messrs. Hoobler, Williamson and Dunbar.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Shoup moved to take from the table a resolution "taxing lawyers and doctors."

Which motion prevailed.

On motion of Mr. Hannegan,

The House resolved itself into committee of the whole on said resolution, Mr. Cooper in the chair, and after sometime spent therein, the committee rose, and Mr. Cooper, their chairman, reported that the committee had according to order the said resolution under consideration, had come to sundry amendments, and directed him to report the same to the House; when,

On motion of Mr. Brown of Marion,

The resolution and proposed amendments were laid on the table.

Mr. Yocum asked and obtained leave to introduce the petition of certain citizens of Clay county, in relation to a property law;

Which was referred to a select committee of Messrs. Yocum, Wines of Vigo and Hutton.

Mr. Cogswell asked and obtained leave to present a petition of certain citizens of Hamilton county in relation to a State road;

Which was referred to a select committee of Messrs. Cogswell, Rooker and McAlister.

Mr. Brown of Marion obtained leave to introduce a memorial of John Cassell, in relation to a State road;

Which was referred to the committee on roads;

Mr. Milliken also obtained leave to introduce the memorial of D. S. Major, President of the Lawrenceburgh Bank, in relation to the claim of the Bank against the State;

Which was referred to the committee on the State Bank;

Mr. Robinson of Carroll, from the committee on enrolled bills made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of the House of Representatives, and find the same truly enrolled, to-wit:

No. 46—A memorial and joint resolution on the subject of the National Road.

On motion of Mr. Brown of Marion,

No. 47—A bill to amend an act relative to licensing taverns and groceries, &c.,

Was taken from the table and referred to the judiciary committee.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, DEC. 28, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, covering certain resolutions of the State of Vermont;

Referred to the committee on federal relations.

PETITIONS WERE PRESENTED.

By Mr. Warriner, three several petitions of citizens of Lake county on the subject of a State road;

Referred to the committee on roads.

By Mr. Goodenow, a remonstrance of citizens of Madison in relation to their city charter;

Referred to a select committee to which a petition on that subject was referred.

By Mr. Gorman, of citizens of Monroe county, asking an extension of the time for payment on Seminary, lots, &c.;

Referred to the judiciary committee.

Mr. Wines of V., from the committee of ways and means, made the following report:

Mr. SPEAKER:

The committee of ways and means, to whom a resolution of this House was referred, instructing them to inquire into the expediency of creating a sinking fund from our suspended debt, oil and candle factory, and all other sources—the money to be distributed with the counties of this State agreeably to the census of 1840, and it to be loaned out to the people of the respective counties, have had the same under consideration, and not having sufficient information upon the subject to report a bill, have directed me to report the same back to the House and ask to be discharged from the further consideration thereof, and ask that the same be referred to a select committee, with the gentleman from Hendricks as chairman of said committee.

The committee of ways and means were discharged accordingly.

The resolution was then referred to a select committee of Messrs. Townsend, Garrigus, Peak, Brown of M. and Rooker.

Mr. Marshall, from the judiciary committee, made the following report:

Mr. SPEAKER:

The committee on the judiciary, to which was referred the petition of Nicholas Yount and Ama Yount, his wife, stating that they had at one time determined to separate and live apart, and with that view had joined in a conveyance of certain real property therein named, to a minor daughter—that they had now determined to live together as husband and wife, and praying that a law be passed, providing for a conveyance of said land back to them, have had that subject under consideration, and have directed me to report that, in the opinion of the committee, a conveyance of real property may be made to an infant—that the infancy of the grantee may be used by the infant to defeat the grant, but not by the grantor. This grant is good against the grantor, though it be a gift. It can be defeated by shewing that the intention of the parties was that the grantee should hold in trust for the grantor, or by invalidating that contract—neither of which can be done by legislation, because it is a judicial act, dependant on the facts in the case; or, it is an act impairing the validity of the contract, and consequently be a violation of the constitution of the State. Your committee, therefore, conclude that if relief in the case cannot be given by court, none can be given by legislation. It is, therefore,

inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred a resolution of this House directing an inquiry into the expediency of so amending the law regulating fees, that witnesses be allowed one dollar per day in the circuit court; and also to inquire into the expediency of repealing the law allowing attorneys' docket fees, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Chapman of L., from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution of the House of Representatives, instructing them to inquire into the expediency of so amending an act entitled "an act pointing out the mode of levying taxes," approved February 12, 1841, as to authorise the assessors to administer the several oaths or affirmations therein provided for, have had the same under consideration and directed me to report a bill,

No. 127, a bill to amend an act pointing out the mode of levying taxes, &c. ;

Read a first time and passed to a second reading.

Mr. Chapman, from the same committee, reported back No. 69, a bill regulating the duties of clerks of the circuit court and county auditors, with amendments ;

Which were concurred in and the bill ordered to be engrossed.

Mr. Gorman, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred a bill of the Senate, No. 39, for the relief of the heirs of C. A. Dumeree, deceased, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

And said bill was then ordered to be engrossed for a third reading.

Mr. Montgomery, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill No. 16 of the Senate, entitled "a bill to amend an act entitled an act to incorporate the town of Greensburg, in Decatur county," have had the subject under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Montgomery, from the same committee, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill No. 94 of the House, entitled "a bill to incorporate the Wayne, Union and Randolph Turnpike Company, and the Union and Wayne Turnpike Company," have had the same under consideration, and made several amendments thereto, in which they ask the concurrence of the House, and recommend the passage of the bill ;

Which amendments were concurred in.

The bill was then,

On motion of Mr. Hannegan,

Recommended to the committee on the judiciary.

Mr. Cogswell, from the committee on federal relations, made the following report :

MR. SPEAKER :

The committee on federal relations to whom was referred certain resolutions of the legislature of the State of Maine, in reference to the north-eastern boundary of the United States, have given to the same the serious consideration demanded by the character of the interests involved in the subject, and have agreed to present the following joint resolutions, the adoption of which they recommend :

No. 128. Report and joint resolutions concerning the north-eastern boundary ;

Which were read a first time and passed to a second reading.

Mr. Cogswell from the same committee made the following report :

MR. SPEAKER :

The committee on federal relations to which was referred certain resolves of the legislatures of the States of Rhode Island, Maryland, Connecticut, New Hampshire and Maine, in reference to claims of American citizens on account of spoliations committed upon American commerce, by French armed vessels, anterior to the 30th September, A. D. 1800, and certain other documents on the same subject, have had the same under consideration, and report that they cannot

see that it is incumbent upon the legislature of this State to express any opinion upon the matter.

The subject is one of national concern, and action upon it appertains to the national legislature and authorities; nor does it appear that it would be proper for the legislature of Indiana to stimulate the action of the proper authorities in the premises, even if the resolve of a body, having no jurisdiction of the matter, could be supposed to have any influence in the national councils. The committee, however, is aware that the resolves of State legislatures, upon topics of national import, have of late, become too common to be very respectable.

The committee pray to be discharged from the further consideration of the subject;

The committee was accordingly discharged.

Mr. Milliken, from a select committee made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of this House, inquiring into the expediency of repealing the law allowing attorneys docket fees in certain cases, have had the same under consideration, and have instructed me to report the following bill:

No. 129. A bill to amend an act regulating the fees and salaries of the several officers and persons therein named, &c.;

Read a first time and passed to a second reading.

Mr. Yocum, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition from the citizens of Clay county, on the subject of an appraisal law and stay on executions, have had that subject under consideration, and a majority have directed me to report the following bill:

No. 130. A bill on the subject of an appraisal law;

Read a first time and passed to a second reading.

Mr. Robinson of C., from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred two petitions of the citizens of Carroll county, relative to water power at the town of Delphi, in said county, has had that subject under consideration, and have directed me to report the following bill upon that subject:

No. 131. A bill relative to water power at the town of Delphi, Carroll county;

Read a first time and passed to a second reading:

Mr. Harding, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of numerous citizens of Marion county, on the subject of the jurisdiction of

justices of the peace and constables, have directed me to report the following bill:

No. 132. A bill to amend an act, entitled, an act authorising the appointment of constables, and defining their duties, &c.;

Read a first time and passed to a second reading.

Mr. Hoobler, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill No. 106, have had that subject under consideration, and have directed me to report it back to the House with the following amendment: "Strike out the word oath;"

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hutton, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry citizens of Park and Putnam counties, praying for a certain state road, have had the same under consideration, and directed me to report a bill:

No. 133. A bill declaring a state road in Putnam and Park counties;

Read a first and second times, (the rules being suspended,) and referred to the committee on roads.

On motion of Mr. Marsh,

Messrs. Wines of A., and Murray, were added to the select committee appointed yesterday on bill No. 30.

Mr. Thompson of N. and L., from a select committee, reported back joint resolution relative to Blackford's Reports, &c., with amendments;

Which were concurred in.

And then said joint resolution passed.

On motion of Mr. Cooper,

Resolved, That the committee on the judiciary be instructed to inquire what amendments are necessary to the law regulating the duties of school commissioners, so as to fix an adequate punishment for the delinquencies of such school commissioners for not making their report to the Treasurer of State, and if any are necessary, to report a bill to that effect.

On motion of Mr. Norvell,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, regulating the jurisdiction of justices of the peace, so as to authorize a justice of the peace of the same township, with whom may be deposited the docket of an absent justice of the peace, to try and determine any case previously issued from said docket, the party being notified thereof.

On motion of Mr. Bradley,

Resolved, That the committee on roads be instructed to inquire into the expediency of causing a re-location to be made by the State, of those portions of the Michigan road, between Northfield and Michigan-town, and between Deer creek and Logansport; and at such other intermediate points as are located through swamps and marshes, when better ground can be found. And also, of opening and improving such new routes as may be made by such re-location, and to report by bill or otherwise.

On motion of Mr. Chapman of H.,

Resolved, That the auditor of public accounts be requested to furnish the House with a statement of the amount of his fees and allowances the last year, for furnishing tract books to the several counties in the State.

On motion of Mr. Lawrence,

Resolved, That Noah Noble, fund commissioner, be directed to report to this House, at as early a day as possible, the time, situation of the claim of the State against Edward M. Beckwith, late defaulting engineer on the Madison and Indianapolis railroad; whether the said Beckwith did not swindle the State out of about 20,000 dollars, and did not run off, leaving cash notes, houses and lots, lands, &c. And report to us, who has the effects of said Beckwith, and what progress is making towards the collection of these effects; and further, report what progress is making in the collection of the judgment of the State against John Carnahan, in which the said Beckwith again swindled the State out of about the same amount.

On motion of Mr. Leslie,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of authorizing the appraisal of real estate, in all cases where they have failed to complete the appraisement of all the real estate in their counties, (by reason of sickness or any other cause,) to complete the same on or before the first Monday in May next.

Mr. Rawlings offered the following resolution:

Resolved, That this House will adjourn *sine die*, January the 31st, 1842, the Senate concurring therein;

Which was laid on the table.

Mr. Harding offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of exempting from taxation for a limited period of time, any funds which may be employed in the manufacture of woollen goods;

Which was not adopted.

The Speaker laid before the House a communication from George H. Dunn, Treasurer of State in reply to a resolution of the House;

Which was referred to a select committee of Messrs. Thompson of F., May and Bradley.

BILLS INTRODUCED.

By Mr. Poulson, No. 134, a bill repealing an act, creating and prescribing the office and duties of county Auditors;

By Mr. Rawlings, No. 138, a bill for the relief of the heirs and legal representatives of Martha Wilson deceased;

Which bills were each read a first time and passed to a second reading.

By Mr. Murray, No. 137, a bill to legalize the official acts of a probate judge in Wells county;

No. 139, a bill to legalize an election held in Jackson township Putnam county;

Which bills were each read a first and second times,

And ordered to be engrossed for a third reading.

By Mr. Meeker, No. 135, a bill to provide for the election of prosecuting attorneys by the people;

The rules were suspended,

And read a first and second times.

Mr. Sayler moved to strike out "circuit," in said bill, and insert "county;"

Which prevailed.

On motion of Mr. Brown of M.,

Said bill was then referred to the judiciary committee.

By Mr. Shoup, No. 136, a bill to re-locate part of a State road therein named;

Read a first and second times,

The rules being suspended,

And referred to the committee on roads.

The House then proceeded to the,

ORDERS OF THE DAY.

Bills of the Senate on second reading.

No. 41, a bill to amend and act regulating the practice in chancery, approved, Feb 10, 1840;

Read a Second time, and referred to the committee on roads.

No. 42, a bill to amend the school law;

Read a second time, and referred to the committee on education.

No. 45, a bill to provide for the distribution of the laws of Congress to the several counties in this State;

Read a second time, when,

Mr. Dunbar moved to amend said bill as follows;

SEC. 3. That hereafter the Secretary of State shall annually when the laws of the General Assembly are sent to the several counties, send such acts of Congress in pamphlet form, as may be in his office, or in the State Library, (and which are of subsequent date to those already directed to be distributed by this act) to the said counties, making such annual distribution agreeably to the provisions of the first section of this act;

Which amendment was adopted;

And the bill ordered to be engrossed for a third reading.

No. 49, a bill to declare a certain county road therein named a State road;

No. 51, an act declaring a certain name a misprint and for other purposes;

No. 52, a bill declaring a certain road therein named a public highway;

No. 57, a bill to repeal an act, entitled an act, incorporating a seminary in the county of Gibson, and for other purposes;

Which bills of the Senate were each read a second time, and ordered to be engrossed for a third reading.

BILLS OF THE HOUSE.

No. 116, supplemental to an act, entitled an act, to provide for a revision of the laws;

No. 117, a bill to provide for the sale of lands belonging to minors;

No. 121, a bill to repeal an act for the preservation of sheep;
Which bills of the House were each read a second time and ordered to be engrossed for a third reading;

No. 118, a bill to prevent the forfeiture of school lands, and for other purposes;

Read a second time, when,

Mr. Robinson of R., moved to amend as follows:

Include those that have been forfeited;

Which was lost.

Mr. Norvell moved to amend as follows:

Provided the school commissioner shall notify the holders of such lands offered for sale in writing;

Which was adopted.

Mr. Foley moved to amend the bill so as to include lands sold for which no deeds have yet been executed;

Which was lost.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Shoup,

The House took from the table No. 29, a bill for the relief of certain persons therein named;

Which was read a second time,

And referred to a select committee of,

Messrs. Shoup, Bearss and Murray.

No. 120, a bill to amend an act, entitled an act, to distribute so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress, &c.

Which was read a second time, when,

Mr. Hackleman moved to refer it to the judiciary committee;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

SENATE BILLS ON THIRD READING.

No. 1, a bill to repeal a part of the revenue laws now in force in the State of Indiana;

Which was read a third time and laid on the table.

No. 22, a bill to amend the act, entitled an act, to incorporate the Richmond trading and manufacturing company;

Mr. Foulk moved to reconsider the ordering said bill to be engrossed;

Which prevailed.

The bill was then referred to a select committee of,

Messrs. Foulk, Stratton and Ogden.

No. 62, a bill to amend an act, incorporating congressional townships, and providing for public schools therein;

Was read a third time, and passed.

HOUSE BILLS.

No. 108, a bill to vacate the town of Benton in Hancock county;

No. 110, a bill for the relief of the owners of certain lots in Indianapolis;

Which bills of the House were each read a third time, and passed.

On motion of Mr. Henley,

No. 1, a bill of the Senate was taken from the table;

So much of said bill as relates to brokers was stricken out;

Mr. Harding moved a re-consideration of said vote;

Which was lost,

The bill was then passed.

On motion the House adjourned till 2, P. M.

2 o'clock, P. M.

The House met.

Mr. Bradley moved to take from the table No. 40, a bill providing for a new board of equalization, &c.,

And on this question,

Messrs. Henley and Robinson called for the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bowers, Bradley, Brown of D., Brown of M., Butler, Clark, Cogswell, Cocley, Cooper, Cotton, Davis

of F., Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Harding, Hendricks, Hodges, Howard, Lawrence, Marshall, McAlister, Meeker, Milliken, Murray, Ogden, Quick, Rand, Rannells, Reed, Robinson of R., Rooker, Runyon, Saunders, Shiveley, Shoup, Sinks, Stratton, Thompson of F., Tisdale, Townsend, Williamson and Wines of V—53.

Those who voted in the negative were,

Messrs. Chapman of H., Chapman of L., Clements, Coon, Davis of S., Dunbar, Garrigus, Hannegan, Henley, Hoobler, Lee, Leslie, Lingle, Marsh, Matheny, May, Monroe, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Simonson, Snoddy, Snook, Thompson of N. and L., Warriner, Whight, Wines of A., Yocum and Mr. Speaker—37.

So said bill was taken from the table.

Mr. Leslie moved to amend the bill as follows:

SEC. — It shall be the duty of said joint committee, when they shall discover it necessary to increase the appraised value of taxables in any county, according to the provisions of the first section of this act, to summon and cause to come before them, one or more witness, or witnesses, residents of such county, who shall give evidence touching the value of such taxables, and the said committee shall decide according to evidence, and fix the per centum required.

Mr. Clark moved to amend the amendment; after the word witness, "Provided said witness shall be in Indianapolis at the time;"

Which was adopted.

The question recurring on the amendment of Mr. Leslie,

Was taken and lost.

Mr. Robinson of C. moved to amend the bill as follows:

Strike out from the enacting clause, the whole bill, and insert the following:

That all laws and parts of laws now in force in this State, which requires the organizing of a State Board of Equalization for the valuation of property, be, and the same are hereby repealed.

This act to be in force from and after its passage.

Mr. Chapman of L. moved that the House adjourn;

Which did not prevail.

Mr. Henley renewed the motion to adjourn, and on the question, Messrs. Henley and Hannegan called for the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bradley, Chapman of L., Coon, Cotton, Davis of S., Defrees, Deming, Dunbar, Gorman, Hannegan, Henley, Howard, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Monroe, Norvell, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of C., Rooker, Saffer, Sayler, Simonson, Snoddy, Thompson of N., Warriner, Whight, Wines of V., and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Brown of D., Brown of M., Butler, Chapman of H., Clark, Clements, Cogswell, Cooley, Cooper, Davis of F., Devin, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hendricks, Hodges, Hoobler, Hutton, Marshall, Meeker, Milliken, Montgomery, Murray, Nelson, Ogden, Quick, Rand, Rannells, Reed, Robinson of R., Runyon, Saunders, Shively, Shoupe, Sinks, Snook, Stratton, Thompson of F., Tisdale, Townsend, Williamson, Wines of A., and Yocum—57.

So the House refused to adjourn.

The question then recurring on the amendment proposed by Mr. Robinson of C., and the ayes and noes being demanded by Messrs. Robinson of C. and Lingle,

Those who voted in the affirmative were,

Messrs. Barnett of L., Butler, Chapman of H., Chapman of L., Clements, Cogswell, Coon, Davis of S., Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Monroe, Montgomery, Nelson, Norvell, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of N., Warriner, Whight, Yocum, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of D., Brown of M., Clark, Cooley, Cooper, Cotton, Davis of F., Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulke, Frink, Gilbert, Goodenow, Goodhue, Grover, Graham, Hackleman, Harding, Hodges, Howard, Marshall, Meeker, Milliken, Murray, Ogden, Quick, Rand, Rannells, Reed, Robinson of R., Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of F., Tisdale, Townsend, Williamson, Wines of A., Wines of V.—50.

So said amendment was not adopted.

The following message was received from the Governor by his private Secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed,

No. 46—A memorial and joint resolution on the subject of the National road;

Which originated in the House of Representatives.

Mr. Robinson of R., from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, and find the same truly enrolled, to wit:

No. 100, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes;

No. 7, an act extending the time for holding the Probate Courts in Knox county;

No. 102, a bill repealing the 18th, 21st and 23d sections of the act prescribing the duties of county Treasurers, approved Feb. 12th, 1841;

No. 43, a bill for the relief of Pliny Hudson;

No. 20, an act to legalize the election of the Probate Judge of Laporte county;

No. 21, an act to regulate the jurisdiction of Justices of the Peace in Hamilton county;

No. 16, an act to amend an act regulating the times of holding the Circuit Courts in the second judicial circuit of this State, approved Feb. 10th, 1841;

No. 4, an act in relation to the jurisdiction of Justices of the Peace in Madison county.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DEC. 29, 1841.

The House met according to adjournment.

The following messages were received from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled, No. 25, an act to legalize the election of Mason Palmer, formerly justice of the peace of Daviess county;

In which the concurrence of the House of Representatives is respectfully requested.

Also, an engrossed bill of the House of Representatives, without amendment, entitled,

No. 64, an act locating a State road in Clay county.

Bill No. 25, mentioned in said message, was read a first time, and passed to a second reading.

MR. SPEAKER:

The Senate has passed an engrossed joint resolution of the House of Representatives, entitled,

No. 97, a joint resolution for the relief of Alexander Beard,

With one amendment, in which the concurrence of the House of Representatives is respectfully requested;

Which amendment was concurred in by the House.

The Speaker laid before the House a communication from the Governor, in reply to certain information called for by a resolution of this House;

Which was referred to the investigating committee.

The Speaker also laid before the House a communication from S. M. Leavenworth, president of the L. & B. R. Co.;

Referred to the committee on canals and internal improvements.

PETITIONS WERE PRESENTED,

By Mr. Chapman of Laporte, of citizens of Porter, Lake and Laporte counties, in relation to a State road;

Referred to a select committee of Messrs. Chapman of L., Warriner and Coon.

By Mr. O'Neill, of citizens of Greene county, in relation to a State road;

Referred to a select committee of Messrs. O'Neill, Yocum and Davis of Sullivan.

By Mr. Cotton, of citizens of Perry and Spencer, (a memorial) in relation to a change of *venue*;

Referred to a select committee of Messrs. Cotton, Graham and Edwards.

By Mr. Yocum, of citizens of Clay county, asking an extension of the time of holding the circuit court in said county;

Referred to the judiciary committee.

Also, of citizens of the same county, praying a repeal of the revenue law of last year;

Referred to the committee of ways and means.

By Mr. Edwards of E. E. Morgan and others, relative to a change in the duties of auditor of Crawford county;

Referred to a select committee of Messrs. Edwards, Davis of Floyd and Lingle;

By Mr. Chrisman, of certain citizens of Hendricks county, relative to vacating a State road;

Referred to the committee on roads.

By Mr. Clark, of W. W. Reed, on a subject therein named ;
Referred to the committee on the State Library.

By Mr. Bearss, relative to the actual settlers upon the State lands
in the Miami reserve ;

Referred to a select committee of Messrs. Bearss, Murray, Grover,
Robinson of Carroll and Defrees.

Mr. Davis of F., from the committee of ways and means, made the
following report :

MR. SPEAKER :

The committee of ways and means, to which was referred the pe-
tition of Thomas J. Montgomery, late collector of Gibson county, on
the subject of certain moneys by him paid into the State Treasury,
have had the same under their consideration, and have directed me to
report that it is inexpedient to legislate on the subject, and ask to be
discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Marshall, from the judiciary committee, made the following
report ;

MR. SPEAKER :

The judiciary committee to which was referred a resolution of the
House, directing an inquiry into the expediency of amending the law
on the subject of summoning grand and petit jurors, so that hereafter
it shall be lawful to summon only 12 petit jurors for each week, in
the counties of Ripley, Davis, Perry, Adams, Greene, and Dekalb, have
had that subject under consideration, and have directed me to report
that, there is nothing known to the committee that renders a change
of said law as to said counties necessary ; and it is therefore inexpe-
dient to legislate on that subject. The committee ask that the said
resolution be referred to a select committee, consisting of a part of
the representatives of said counties.

The report was concurred in, and said resolution referred to a
select committee of Messrs. Bowers, Clements, Cotton, Tisdale, and
O'Neill.

Mr. Marshall, from the same committee, made the following re-
port :

MR. SPEAKER :

The committee on the judiciary, to which was referred a bill of the
House, No. 51, entitled, a bill for raising the wages of jurors and
witnesses, before a justice of the peace, have had that subject under
consideration, and have directed me to report the same back to
the House, without amendment, and recommend its indefinite post-
ponement.

And said bill was accordingly indefinitely postponed.

Mr. Marshall, from the same committee, made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred a resolution
of the House, directing an inquiry into the expediency of so amend-
ing the law regulating the summoning grand and petit jurors, as
to make it the duty of the sheriff to summon petit jurors from the
by-standers, &c., and that the fees of said jurors shall be taxed
against the parties litigant, as other costs of suit.

And, also, a resolution of the House, directing an inquiry into the
expediency of repealing the law authorising a revision of the laws,
have had those subjects under consideration, and have directed me
to report, that it is inexpedient to legislate on those subjects, and
ask to be discharged from the further consideration thereof.

Said report was concurred in, and the committee discharged.

Mr. Hannegan, from the committee on canals and internal im-
provements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom the
subject was referred, have directed me to report a bill,

No. 140—a bill for the relief of Hugh Stewart and Robert Stewart ;
Read a first time and passed to a second reading.

Mr. Hannegan, from the same committee, reported

No. 141—a bill to provide means for placing the Silver creek bridge
between New Albany and Jeffersonville, in a passable condition ;

Read a first time, and passed to a second reading.

Mr. Brown of D., from the committee on the State Bank, made the
following report, accompanied with a bill :

REPORT.

The committee on the State Bank, to which the following reports
and resolutions have been referred, to-wit :

So much of the Governor's message as relates to the State Bank :

The report of the president of the same :

The report of the same, concerning the authority under which the
State became indebted to the Branches :

The memorials of the Branch Banks of Bedford, New Albany, and
Lawrenceburgh, respecting that debt :

A balance sheet, showing in detail, the condition of the State Bank :

Reports of their state and condition, by the several Branch Banks :

The report of the commissioners of the sinking fund :

Sundry resolutions of this House, relating to a resumption of specie
payments : and

Resolutions proposing ways and means to pay the claim of the
Branches upon the State—and,

A joint resolution of the Senate, on the subject of resumption of

specie payments and other purposes; has had these various subjects under consideration, and now reports,

That although the balance sheet of a bank affords, in itself, no absolute proof of the solvency of its condition, (belief in the undisguised truth of its exposition, resting in a great degree upon confidence in the integrity of its managers, whose fidelity in this instance, this committee has but scanty means of testing,) the committee, in its researches have no other cause to suspect its solvency, than its long protracted non-payment of its obligations, and the admission of its president, in his report, which seems open and candid; and they believe the funds of the State, vested in the stock of the bank, as well as the deposits of the sinking fund and surplus revenue, committed to its care, to be safe.

The report of the commissioners of the sinking fund shows, that the management of their charge has been conducted, in general, with a prudence and discretion, that leaves the committee no cause for reprehension, in the absence of other information than their report. The losses the State may sustain, in the cases they set forth, will not arise from a want of reasonable vigilance on their part.

Your committee have examined with attention, the communications and resolutions referred to them respecting the resumption of specie payments, by the Branches of the bank, including those requiring an immediate, and those proposing a gradual return to such payments; and also those proposing means to satisfy their claim upon the State. Of the justice of the bank's compliance with its engagements, no doubt can be entertained; and what is unjust can seldom be politic or expedient.

The immediate injury to a community from a bank's refusing to redeem its notes, where they constitute the principal currency, and the aggravation of that injury by a continuance of non-payment, seem to this committee too generally recognised and appreciated, to require a discussion in this place. If the bank be able to meet its existing engagements, as your committee believe, it is their opinion that it cannot resume too soon; if insolvent, it would appear from all past experience, that its protracted struggle for existence will but inflict heavier losses on all whom the force of circumstances compels to use its notes; besides the direct loss which every holder of such notes suffers, when a bank stops payment.

In a conference with the president, he gave the committee to understand, that the privilege to resume payment by degrees, would not be a relief desired by the bank. The committee has accordingly felt itself relieved from entertaining further, the resolutions proposing that expedient; and the question, divested of that proposal, is presented,—Shall the General Assembly enforce immediate resumption, according to the terms of the charter, or postpone exaction of that operation to a future day?

This committee is decidedly in favor of the former, as being conformable to justice, to the condition of the charter, and to the real and permanent interest of the bank.

The most formidable impediments to resumption without delay, appear to consist in,

1. The accumulation of its notes in two places, beyond the State.
2. The general non-payment of the western banks.
3. The suspension of the debt claimed of the State, by the Branch Banks.

In the view your committee take of these objections, the first of these obstacles disappears, on comparing the immediate means of the Bank with its immediate liabilities.

The general report of the President, in possession of every member of the House, contains a statement of the Bank's resources, over and above its liabilities, excepting its capital, to the amount of \$3,161,025 34, on the 30th of last October.

The committee refer to that communication in the progress of this report, as a matter of convenience. They have compared it with the balance sheet of the Cashier, referred to them, and find the general result of the comparison to exhibit an improved condition of the Bank, during the month of November, intervening between the respective dates.

Viewing this expose as a fair, candid, and undisguised representation, this committee think no violent shock of an overwhelming demand need be dreaded by the Bank. The only accumulation of its notes, that the report of the President shows him to be apprised of, is \$400,000 to \$500,000 in each of two cities in other States. Admitting that a demand of specie be made at once, for the whole of these notes, (which is doubtful,) the specie and other funds immediately convertible, making the sum of \$1,463,703, will meet the accumulated notes mentioned, and leave near half a million of dollars—more than enough to encounter all other immediate pressure, which the Bank can reasonably apprehend.

The restoration of confidence, that will naturally follow the prompt redemption of its notes, will prevent the speedy return of a very large portion of the others now outstanding, which, the bills of exchange, and discounted notes, exceeding three and one quarter millions of dollars, portions of which are constantly falling due, will absorb, or furnish means to pay, much faster probably, than the notes will be presented; and the committee presume will form ample funds to clear the Bank from all risk of embarrassment.

Though the business of the Bank may be somewhat contracted, for a short period, by a prudent preparation to meet demands, yet the maintenance of restored confidence must, in the nature of things, amply repay it for foregoing a momentary profit.

The committee does not undertake to decide the question, whether banks can derive, for a while, more gain from suspension, than payment; but if this be true, it forms no excuse, and still less justification for the State, as principal stockholder, as well as sovereign, in permitting an institution, in its nature a monopolist, to continue more than four and a half years, with a trifling exception, to neglect its ob-

ligations to individuals and the public; and the conditions of the charter to which it owes its existence.

The gain last mentioned, the committee think would seem small to the most selfishly interested banker of capital, who values the credit and permanence of his establishment, and looks beyond a mere transient advantage.

The committee take occasion to say, that they refuse their assent to the propriety of a Bank's making large dividends, while it refuses to pay its debts.

The committee see no cause so likely to have led to the long suspension of specie payments, as a previous neglect of some of the rules and principles of experienced bankers; especially the avoidance of what is technically termed *accommodation*, being loans, expressed or understood, to be continued for a longer period than a proper basis of their discounts might require or justify—a practice seldom safe for the Bank, or the public, for the obvious reason that the bank notes are payable on demand, and payments, by such borrowers, tardy.

In his report of the 9th of December, 1837, the President showed that he fully appreciated this principle among others of importance, in the business of banking; but whether he has been able to enforce them sufficiently upon the branches, the committee is not enabled to judge from any information in their power, further than as they are led to presume, from his report to the present General Assembly, that the large discounts to merchants, (supposed to mean importers,) may partly be of this description, extended to that class of customers; to whose agency, aided by the suspension, the committee chiefly ascribe the accumulation of the notes of the Bank, in cities of other States; which notes, had they been lent to exporters, would probably have been mostly expended and kept in circulation at home; and your committee think experience has proved, that when such views as he then entertained, are carried strictly into practice from the beginning, a bank, with moderate capital, need apprehend no danger, though surrounded by hostile rivals.

The committee think it will be admitted that a too liberal extension of time in discounts, tends to promote speculation, rather than regular business, to encourage importation of merchandise, rather than exportation of produce, and to induce favoritism, rather than impartiality.

The President's report of this year, admits that, besides some possible mistakes in granting imprudent loans, too long indulgence has sometimes been allowed to borrowers, by branches. Possessing so large an amount as they have, of discounted notes and bills of exchange, no other obvious reasons than these present themselves to the committee, why so much stress should now be placed by some of the branches, upon the delay of the State, to repay the sums advanced to the fund commissioners; if the inadvertencies, and imprudences above alluded to, by the President, had been shunned. The committee has no data to decide how far they were unavoidable, and

therefore abstains from reprehension of the branches' management in this respect. A scrutiny was made of their conduct by a committee of the House of Representatives in the last session, and to their report the committee asks leave to refer.

This committee has found no cause for censure of the Board of Directors of the State Bank for neglecting to correct, as far as in their power and knowledge, all deviation of the Branches from propriety in the foregoing particulars; but on the contrary, believe it has exercised reasonable prudence and vigilance to prevent them; and here the committee take occasion to express their disapprobation of the course of the Lafayette Branch, in setting off the common school fund in its hands, against the interest on its advances for Internal Improvement. The interest so appropriated by that Branch, was a trust fund, which it had no right to divert from its original destination.

In regard to that alleged cause of much embarrassment, the delay of the State to reimburse the Branches, their advances before mentioned, especially that of Lafayette, which delay is intimated to be one chief obstacle to resumption, the committee is aware that doubts have been expressed of the strict legality of that transaction, and have given the subject careful attention.

The letter of the President, in answer to a call on him by the House, at this session, explains this affair in a manner satisfactory to this committee. Under the powers conferred on the commissioners of the fund for Internal Improvement, they were authorized to contract loans, as well with the Branch Banks as others; but this debt arose out of current business, in which the balance might have been expected to incline occasionally to one side or the other.

Branches were employed as disbursing agents; a mode adopted in a neighboring State, with economy, safety and success. The Banks were to advance the payments along the line of operations, and be reimbursed by means of bills of exchange, at sixty days sight. Mutual interest and mutual convenience, might justify an advance before the bills were put into the hands of the Bank; and this, without prejudice to their respective funds, could be compensated by an earlier delivery of the drafts on a subsequent occasion—such, the Banks are represented to have expected—their money was expended in the service of the State, without warning of a probable disappointment; and when the re-payment became necessary to them, the fund was exhausted. Your committee feel bound to recommend the claim to the Legislature, not only as an act of justice in itself, but of policy, in depriving the Bank of the pretext, whether well or ill-founded, that this debt forms one of the principal impediments in the way of its resumption of specie payments.

Some observations occur in the report given by the President of the Bank, touching the character and relative value of different descriptions of currency. This committee, if they were capable, would deem it unnecessary for them to engage in the task of a treatise on that branch of political economy which relates to the comparative merits of metallic and paper money. They fully coincide with the

President, that the efficiency and usefulness of a currency depends more upon its character than its amount: and one proof of the truth of his remark may be found in the fact, that during the abundance of such as we had a few years since, grain was imported with profit from Europe. Every one will admit with him, also, that the present currency (in this part of the Union, at least,) is unequal, inconvenient and suspected. It is likewise true, that the inevitable depreciation of it, in such a state of things, may enable a debtor to discharge his engagements with more facility, but it is equally clear that the creditor suffers in like degree. The comparison instituted by the President, of the relative quantities of business and currency as existing in France, England, and our eastern States, and the argument he deduces in favor of a mixed circulation of the precious metals and paper, are not conclusive in the opinion of this committee.

They do not prove that the mixture prevents fluctuation in the value of the currency, nor the sudden elevation and depression inevitably attendant on so uncertain a measure of value as paper money, especially of that which a particular association of men may increase or diminish at pleasure—fluctuations that have been so ruinous in these latter times, and may be apprehended in future, so long as corporations, virtually irresponsible, shall be the makers and lenders of the paper—sole judge of the quantity, and of the securities for its redemption; and in fine, the only managers of the concern, in which the public has so often felt the want of integrity and judgment, proving in the end, that instead of being the cheapest, it becomes the dearest medium of exchange.

The above mentioned comparison of the President, in order to have been a fair and comprehensive exponent, should have embraced the conditions and pursuits of the different nations which he quotes. In France, men of wealth become bankers, not to borrow, as is too often the case in our western States, but for the purpose of lending or dealing in exchange; and afford abundantly the means of remittance, as cheaply as it can be had in any other country. The Bank of France issues no small notes for circulation, their large promises to pay being only used for large dealings at home, and occasional remittances, while the supply of money for daily and ordinary business, consists of that safe and steady currency acknowledged valuable in all parts of the civilized world. The President seems to think the quantity of the precious metals, circulating in that country, excessive. It will be remembered that the people of France have heretofore smarted, long and sorely, under the infliction of a base, irredeemable paper currency; and it is prudent to take warning from the past, and from the misfortunes of others.

The President has observed, that in these times of uncertainty and suspicion, some will hoard their gold and silver through fear or caprice. Whatever the French may do capriciously, their private hoards do not swell from distrust of the promises of banking corporations, so excusable in our country.

Emissions of paper money may be excessive, but the supply of pre-

cious metals can hardly be so. Demand and supply, regulate every market; and while gold and silver remain a merchandize in universal demand, their diffusion will regulate itself, so long as unobstructed; they partake in this respect of the nature of fluids, flowing from where they may be redundant and cheap, to places of scarcity and dearth, like water seeking a level.

It is plain that the worst paper, provided it circulate at all, will always exclude better where tolerated.

The French, by rejecting bank paper as a currency, escape cause to lament a misplaced confidence in banks of circulation, and the consequence resulting is, that fatal fluctuations in the valuation of property, and bankruptcies spreading desolation around them, are believed to be rare in that country, compared with the frequency of such disastrous events in England, and in the United States.

The remarks of the Governor, in his communication concerning the bank, have received from your committee the attention due to the high functionary from whom the House received them, and while they entirely concur in most of his judicious observations—particularly in his advice to proceed with caution in our course towards an institution, in whose stock the State has a deep stake, and whose credit and transactions so deeply affect the people—they very respectfully observe, that if the act of forcing an insolvent bank into liquidation may distress the debtor, by depreciating the notes he may hold, the failure of the bank may equally injure his creditor to whom he may have paid them before the bankruptcy became known. If such debtor owe the bank, its notes in his possession will avail to the full nominal amount; if he must purchase them for that, or any other purpose, he may obtain them for a price less by all the amount of their depreciation. The committee believe that honest bankers driven to insolvency, can gain little by indulgence, while the public is most likely to be injured by forbearance towards a broken money corporation.

Your committee has reviewed the joint resolution of the Senate, with the attentive care demanded by a resolution of that respectable body, but have not arrived at the conclusion that it ought to be adopted. The provision it contains for a graduated resumption, (not considered by the President of the State Bank as a desirable alleviation from pressure on that institution, as mentioned in a former part of this report,) may be construed to admit by implication, a doubt of the bank's ability; and for these reasons the committee cannot advise a concurrence of the House in this measure. The plan proposed by the resolution of settling the State's debt to the Branches by Treasury notes, appears to the committee exposed to serious objections. Apart from constitutional scruples which have great weight with [a part of] the committee, they believe the effect would be injurious to the public interests, and unprofitable to the bank, by reason of that acceleration of the depreciation, already great, which such an addition to this outstanding debt would cause. The only existing provision for their redemption, (and no other of considerable importance has been proposed) is their reception in the collection of taxes; and the committee has not been informed that the amount of the former issues taken up by the collectors, this year, has raised the value of the paper as a currency. If the further depreciation of it should be rapid,

in consequence of the additional supply, the emission proposed will operate as a grievous tax on the community, to the full extent of that depreciation—a tax the more objectionable, as it must necessarily fall unequally.

After much deliberation, the committee has concluded that it will be expedient to pay the claim of the Lafayette branch, \$189,270 21, and that of the branch at Fort Wayne, \$54,661 60, together \$243,931 81, by an appropriation out of the 400,986 dollars and 16 cents due to the State on the 18th of last month, for canal lands sold east of Tippecanoe river, and chargeable to that fund for advances to the Wabash and Erie canal. The above amount, 243,931 dollars and 81 cents appears to the committee properly reimbursable out of the 400,986 dollars above mentioned, considering that the money due to those branches was expended upon the canal above mentioned; which, deducted from the sum of the whole debt, will leave 449,264 dollars and 59 cents due to the other branches; which the committee propose to provide for by appropriating an equal amount of the loans of the sinking fund and surplus revenue, which the commissioners of the sinking fund report to be 746,858 dollars and 35 cents—unincumbered, as the committee is informed, by any appropriation or trust: and the committee are of opinion that plain considerations of policy recommend its application to discharge the debt, as they propose, in preference to an investment of it in bank stock, in the present state of the country, and of the bank.

Your committee, in submitting the foregoing facts and reasons to the House, ask leave to recommend the passage of an act providing for the payment of the debt to the bank, out of the means they have suggested; and for requiring the Governor to order a scire facias to issue against that corporation, to show cause why its charter should not be forfeited, in case of its further suspension of payment, after the payment of that debt shall have been adjusted, upon the principles proposed: and for those purposes report a bill.

Adopted by the committee.

Messrs. Stratton and Rawlings dissenting.

No. 142, a bill providing for the payment of a debt due to the State Bank, and for the resumption of specie payments;

Which was read a first and second times, (the rules being suspended) and laid on the table, and 300 copies of said bill and 1,000 copies of said report were ordered to be printed.

Mr. Goodenow, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the city of Madison, praying the repeal of their city charter, also a remonstrance signed by sundry other citizens of the same place, praying against the repeal, have, according to order, had the same under consideration, and believing that the people of Madison would not be benefitted by the proposed repeal, and also believing that a majority of the citizens are opposed to the measure, the majority of your committee would respectfully report that, in their opinion, it is

inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

J. G. MARSHALL,
SAML. GOODENOW.

Which was laid on the table.

Mr. Townsend, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of this House, requesting them to inquire into the expediency of creating a sinking fund from the suspended debt, oil factory, tolls from all sources, Wabash and Erie canal lands east of Terre Haute, &c. &c.—to be loaned out among the several counties of this State agreeably to the census of 1840, for the relief of the people, have, according to order, had that subject in consideration, and having bestowed upon it that deliberation which the importance of the subject seemed to demand; and in view of the great pecuniary distress and embarrassment at this moment visiting all classes of our citizens, from the wealthy owner of lands and tenements to the humble tenant of the *log cabin*, calling aloud for legislative aid and interposition; and as it is the duty of the legislature, as the guardian of the people, to furnish every means in their power to protect the weak from the oppressions of the strong, and shield honest poverty from the grasp of avaricious wealth; and as it is the great scarcity of money which is now weighing down the energies of the people like a *night mare*, and blighting the fairest prospects of our enterprising farmers and mechanics, the only remedy for which would be a judicious increase, not of gold and silver, for of that we have none—but of an issue of treasury notes or scrip as contemplated by the resolution—have directed me to report the following bill and recommend its passage.

No. 143, a bill for the relief of the citizens of this State;

Read a first and second times, (the rules being suspended) and committed to a committee of the whole House and made the order of the day for Saturday.

Mr. Defrees, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred “a bill entitled an act to abolish public executions,” have had it under consideration, and have instructed me to report it back with an additional section, and recommend its passage.

JNO. D. DEFREES, *Chairman*.

Mr. Dunbar moved to amend as follows: 5th line, 3d section, the words “in this State;”

Which was adopted.

Mr. Marshall moved to amend by inserting the word "wilfully" in 2d line, 3d section ;

Which was agreed to.

Mr. Clements moved to indefinitely postpone said bill and amendments ;

And on this question the ayes and noes were demanded by Messrs. Clements and Whight.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Butler Chrisman, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Devin, Dunbar, Garrigus, Goodenow, Goodhue, Harding, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Marshall, Matheny M'Allister, Monroe, Nelson, O'Neill, Peak, Quick, Rawlings, Reed, Robinson of Carroll, Rooker, Saffer, Sayler, Shively, Snoddy, Thompson of Fayette, Thompson of Noble, Tisdale, Whight and Yocum—42.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Cooper, Cotton, Defrees, Deming, Edwards, Ellis, Foley, Frink, Gilbert, Gorman, Grover, Hackleman, Hannegan, Hendricks, Henley, Lee, Lingle, Marsh, May, Meeker, Millikin, Montgomery, Murray, Myers, Norvell, Ogden, Pearcey, Poulson, Rand, Rannells, Ritchey, Robinson of Rush, Runyon, Saunders, Shoup, Sinks, Snook, Stratton, Townsend, Warriner, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—52.

So said bill was not indefinitely postponed.

The question was next taken on the engrossment of the bill, and on this the ayes and noes were demanded by Messrs. Henley and Robinson of Carroll.

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Cooper, Cotton, Defrees, Deming, Ellis, Foley, Frink, Gilbert, Gorman, Grover, Hackleman, Hannegan, Henley, Lee, Lingle, Marsh, May, Meeker, Milliken, Murray, Myers, Norvell, Ogden, Pearcey, Rand, Rannells, Ritchey, Robinson of Rush, Runyon, Saunders, Shoup, Sinks, Snook, Stratton, Townsend, Warriner, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Butler,

Chrisman, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Devin, Dunbar, Garrigus, Goodenow, Goodhue, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Marshall, Matheny, M'Allister, Monroe, Montgomery, Nelson, O'Neill, Peak, Poulson, Quick, Rawlings, Reed, Robinson of Carroll, Rooker, Saffer, Sayler, Shively, Snoddy, Thompson of Fayette, Thompson of Noble, Tisdale, Whight, and Yocum—45.

And said bill was ordered to be engrossed.

Mr. Lawrence from a select committee made the following report:

The committee to whom the petition of John McIntire and others praying a repeal of the charter of the city of Madison was referred, have had the same under consideration, and a majority of them beg leave to make the following report:

That there are two hundred persons known to your committee as residents of that city, many of the worthiest and heaviest tax payers therein who earnestly desire a repeal of the charter of said city, they desire on the ground that the act of incorporation as at present understood, interpreted and administered, is a curse instead of a blessing, the exercise of the corporate enactments of this city, operates unequal, unjustly and oppressively, it takes from all classes their substance, without their direct consent, and gives it to officers who sit as incubuses on the public, sucking the substances of the people, without in return rendering any equivalent, that the charter of the city of Madison has about it all the objectionable elements that soulless corporations generally, the additional objection of being administered in a manner entirely at war with the fundamental principles of a free government, your committee believe that this grant of power was given with a mistaken view of the wants of people, and the petitions referred to is the best evidence of that fact of equal law, equal burthens, equal protections, equal rights and equal taxes, is a maxim that will sustain any republic in any trial she may be called upon to pass through, one of your committee knows this is strong democratic doctrine, and perhaps by none may be considered irrelevant in the present instance, but your committee hold that these immutable maxims apply as well and truly to a body corporate as a body politic, and therefore recommend the passage of the following bill:

No. 144, a bill to repeal the city charter of Madison,

Read a first time and passed to second reading.

On motion of Mr. Milliken,

Resolved, That the treasurer of State be requested to report the situation of the debts due the State on the bonds and mortgages transferred by the Lawrenceburgh and Indianapolis Railroad company.

On motion of Mr. Bowers,

Resolved, That the committee of Ways and Means, be directed to enquire into the expediency of authorizing the treasurer of State to pay to the several county agents of the three per cent fund out of any moneys in said treasurer's hands the amount that each county is entitled to, and which is withheld from the State by the general govern-

ment, for the purpose of paying the interest upon Indiana State bonds held by the government in trust for the Chickasaw Indians.

Mr. Chapman of H., offered the following resolution:

Resolved, That the judiciary committee be requested to enquire into the constitutionality and propriety of the legislature at the present session, authorizing by law the calling of a convention to alter or amend the constitution of the State of Indiana,

Which was not adopted.

On motion of Mr. Shively,

Resolved, That the committee on canals and Internal Improvements be requested to inquire into the expediency of letting our public works to companies and if in the opinion of the committee, it is expedient said committee be requested to report a bill to this House to incorporate such company.

Mr. Foulk offered the following resolution.

Resolved, That the judiciary committee be instructed to report a bill to abolish capital punishment.

Which was laid on the table.

On motion of Mr. Stratton,

Resolved, That the judiciary committee enquire into the expediency of amending an act approved Jan. 29, 1818, entitled an act, making promissory notes, bonds and inland bills, of exchange negotiable and assignable so as to make all judgments of any court in this State for money assignable.

BILLS INTRODUCED.

By Mr. Robinson of C., No. 145, a bill to repeal an act, defining the duties of petitioners for relocating seats of justice, and for other purposes;

By Mr. Whight No. 146, a bill concerning the tax imposed on lands of non residents in Pike county;

By Mr. Bearss No. 147, a bill to amend an act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831;

By Mr. O'Neill No. 148, a bill to change the time of holding probate courts in Greene county;

Which bills were each read a first time and passed to a second reading.

A message from the Governor by his private Secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 4, an act in relation to the jurisdiction of justices of the peace in Madison county;

No. 100, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes;

No. 43, an act for the relief of Pliny Hudson;

No. 20, an act to legalize the election of the probate judge of LaPorte county;

No. 7, an act extending the time for holding the probate courts in Knox county;

No. 16, an act to amend an act, regulating the times of holding the circuit courts in the second judicial circuit of this State, approved Feb. 10, 1841;

No. 21, an act to regulate the jurisdiction of justices of the peace in Hamilton county;

All of which originated in the House of Representatives.

The House proceeded to the,

ORDERS OF THE DAY.

The question pending at the last adjournment was upon ordering bill No. 40, providing for a new board of equalization;

To be engrossed for a third reading;

Upon this question the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Brown of D., Clark, Cooley, Cooper, Cotton, Davis of F., Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Henley, Hodges, Howard, Marshall, Meeker, Milliken, Murray Ogden, Quick, Rand, Rannels, Reed, Robinson of R., Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of F., Tisdale, Williamson, and Wines of A.—47.

Those who voted in the negative were,

Messrs. Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Coon, Davis of S., Dunbar, Garrigus, Graham, Hannegau, Hendricks, Hoobler, Hutton, Lawrence, Lee, Leslie, Marsh, Matheny, May, McAlister, Montgomery, Myers, Nelson, Norvell, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of C., Rooker, Saffer, Saylor, Shively, Snoddy, Snook, Thompson of N. and L., Warriner, Whight, Yocum and Mr. Speaker—45.

Mr. Henley moved a reconsideration of the vote ordering said bill to an engrossment.

Mr. Thompson of Fayette moved a call of the House;

Which was seconded by a majority.

Mr. Henley moved that the further proceedings in said call be dispensed with;

Which did not prevail.

On motion of Mr. Defrees.

The doors were closed, and the seargeant-at-arms despatched for the absent members.

Mr. Henley renewed his motion to suspend further proceedings in said call;

Which did not prevail.

Mr. Montgomery moved that the further call of the House be suspended;

Which prevailed.

And then the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The question pending at the adjournment was on reconsidering the vote on the engrossment of said bill.

Mr. Bradley moved to lay the motion to reconsider on the table;

Which was lost.

Mr. Thompson of Fayette moved a call of the House;

Which did not prevail.

The question then recurring on reconsidering,

Messrs. Bradley and Runyon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of —, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of Carroll, Rooker, Saffer, Saylor, Shively, Snoddy, Snook, Thompson of Noble, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Cooley, Cooper, Cotton, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Howard, Marshall, Meeker, Milliken, Murray, Ogden, Quick, Rand, Rannells, Reed, Robinson of Rush, Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, and Williamson—41.

So said vote was reconsidered.

The question again recurred on the engrossment of the bill, and on this question the ayes and noes were demanded:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Clark, Cooley, Cooper, Cotton, Defrees, Deming, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Howard, Marshall, Meeker, Milliken, Murray, Ogden, Quick, Rand, Rannells, Reed, Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Williamson and Wines of Allen—42.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saylor, Shively, Snoddy, Snook, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—51.

So said bill failed.

Mr. Robinson of Rush moved to reconsider the above vote;

And upon this question Messrs. Henley and Ritchey demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Clark, Cooley, Cooper, Cotton, Davis of Sullivan, Defrees, Deming, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Howard, Marshall, Meeker, Milliken, Montgomery, Ogden, Quick, Rand, Rannells, Reed, Robinson of Rush, Runyon, Saunders, Sinks, Stratton, Thompson of Fayette, Tisdale, Williamson, and Wines of Allen—42.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of Sullivan, Dunbar, Foley, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neal, Peak, Percy, Poulson, Rawlings, Ritchey, Robinson of Carroll, Rooker, Saffer, Saylor, Shively, Shoup, Snoddy,

Snook, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—52.

So said vote was not reconsidered.

No. 122—A bill to reduce the compensation of members of the General Assembly, and to provide for the administration of the Government on principles of strict economy;

Read a second time and referred to the committee of ways and means.

No. 127—A bill to amend an act pointing out the mode of levying taxes;

No. 128—Report and joint resolutions concerning the North Eastern Boundary;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 129—A bill amendatory to an act regulating fees and salaries of officers and persons therein named;

Mr. Chapman of Laporte moved to refer said bill to the judiciary committee;

Mr. Quick moved to lay the bill on the table;

Which did not prevail.

The question was next taken to refer to the judiciary committee;

On this question the ayes and noes were demanded:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Butler, Chapman of Laporte, Davis of Floyd, Defrees, Dunbar, Edwards, Gilbert, Goodhue, Gorman, Hackleman, Hannegan, Leslie, Marsh, Matheny, May, Montgomery, Norvell, Rawlings, Robinson of Carroll, Wines of Vigo and Mr. Speaker—23.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Brown of Dearborn, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Deming, Devin, Ellis, Foley, Foulk, Frink, Garrigus, Goodenow, Grover, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Lingle, McAlister, Meeker, Milliken, Monroe, Murray, Nelson, Ogden, Peak, Percy, Poulson, Quick, Rand, Rannells, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Williamson, Wines of Allen, and Yocum—68.

Mr. Hannegan moved to commit the bill to a committee of the whole House now;

Messrs. Hoobler and Shoup demanded the ayes and noes on this question:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Brown of Dearborn, Butler, Chapman of Laporte, Clark, Davis of Floyd, Defrees, Deming, Devin, Dunbar, Edwards, Goodhue, Gorman, Hackleman, Hannegan, Howard, Marsh, Marshall, Matheny, May, Montgomery, Norvell, O'Neill, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Sayler, Snoddy, Williamson, Wines of Allen, and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Bearss, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, McAlister, Meeker, Milliken, Monroe, Murray, Nelson, Ogden, Peak, Percy, Poulson, Quick, Rand, Ritchey, Runyon, Saffer, Saunders, Shively, Shoup, Sinks, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Wines of Vigo and Yocum—55.

And said bill was not so committed.

Mr. Wines of A. moved to amend the bill as follows:

That in all cases the lawyer appearing for the unsuccessful party litigant, shall pay all costs;

Which did not prevail.

Mr. Chapman of L. moved to commit it to a committee of the whole House for to-morrow.

Pending this motion,

Mr. Hoobler moved the previous question;

Which was seconded by a majority of the House.

The said previous question was put, to-wit:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the bill be engrossed for a third reading?

Mr. Chapman of L. moved that the House adjourn;

And upon this question, the ayes and noes were demanded by Messrs. Chapman and Marsh.

Those who voted in the affirmative were,

Messrs. Chapman of L., Defrees, Dunbar, Edwards, Goodhue, Hannegan, Hendricks, Henley, Marsh, Norvell, Poulson, Robinson of C., Robinson of R., Williamson, Wines of A., and Mr. Speaker—16.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Brown of D.,

Butler, Chapman of H., Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Davis of Sullivan, Deming, Devin, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Hackleman, Harding, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, May, McAlister, Meeker, Milliken, Monroe, Montgomery, Murray, Nelson, O'Neill, Peak, Percy, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of F., Thompson of N. and L., Tisdale, Townsend, Warriner, Whight, Wines of V., and Yocum—72.

So the House refused to adjourn.

The question then recurring on the main question,

Shall the bill be engrossed for a third reading?

The ayes and noes were demanded on this question by Messrs. Henley and Hutton,

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Davis of S., Defrees, Deming, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Grover, Harding, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, May, McAlister, Meeker, Milliken, Monroe, Montgomery, Nelson, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of R., Rooker, Runyon, Saunders, Shively, Shoup, Sinks, Snook, Thompson of F., Tisdale, Townsend, Warriner, Whight, Williamson, Wines of A., Yocum, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Barnett of L., Brown of D., Clark, Davis of F., Deming, Devin, Dunbar, Edwards, Goodhue, Hackleman, Hannegan, Leslie, Lingle, Marshall, Matheny, Murray, Ogden, Robinson of C., Saffer, Sayler, Snoddy, Thompson of N. and L., Wines of V.—23.

So the bill was ordered to be engrossed for a third reading.

Mr. Robinson of R. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate, and find the same truly enrolled, to-wit:

No. 32—an act to repeal an act entitled, an act incorporating the Washington county seminary, approved Jan. 24, 1827;

No. 50—a joint resolution for the benefit of the citizens of the reserved township in Gibson county;

No. 19—an act for the relief of certain persons therein named;

No. 37—an act to legalize the proceedings of Hamilton Lapham, as commissioner to survey and locate a State road from Lebanon, in Boone county, to Thornstown;

No. 64—an act to change the time of holding the circuit court in Madison county;

No. 26—an act to define more particularly, the duties of the commissioners of the three per cent. fund in Daviess county;

No. 18—an act to repeal a portion of a joint resolution on the subject of the Michigan road land, approved Feb. 15, 1841;

No. 33—an act to provide for changing the time of holding the probate courts in the county of Orange;

No. 37—an act to vacate an alley in the town of Lebanon.

Mr. Robinson, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did, on this day present to his excellency the Governor, for his approval and signature, the following entitled bills, to-wit:

No. 100—an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes;

No. 16—an act to amend an act, regulating the times of holding the circuit courts in the second judicial circuit of this State, approved Feb. 10, 1841;

No. 7—an act extending the time for holding the probate courts in Knox county;

No. 4—an act in relation to the jurisdiction of justices of the peace in Madison county;

No. 20—an act to legalize the election of the probate judge of LaPorte county;

No. 21—an act to regulate the jurisdiction of justices of the peace in Hamilton county;

No. 43—a bill for the relief of Pliny Hudson.

Mr. Cotton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the following engrossed with the enrolled bill and resolution, originating in the House of Representatives, and find them correctly enrolled, to-wit:

No. 64—an act locating a State road in Clay county;

No. 97—a joint resolution for the relief of Alexander Beard.

On motion, the House adjourned till to-morrow 9 o'clock.

THURSDAY MORNING, DECEMBER 30, 1841.

The Speaker laid before the House, a communication from Mr. Morris, A. P. A., in answer to a resolution of the House;

Which was referred to the committee on ways and means;

The Speaker also laid before the House a communication from J. L. Williams, Chief Engineer, in answer to resolutions of this House;

Which was referred to the committee on canals and internal improvements.

PETITIONS WERE PRESENTED:

By Mr. Milliken of Theodore Gazeley, and others, of Dearborn county, asking an extension of the time for holding the circuit court in said county;

Referred to a select committee of Mr. Milliken, Brown of D., and Rand.

By Mr. Defrees, a remonstrance of E. P. Taylor and 379 others, against the passage of an act, restricting justices of the peace in St. Joseph county, to their respective townships;

Referred to a select committee of Messrs. Defrees, Rannells and Deming.

By Mr. Saunders, of citizens of Decatur county, praying relief;

Referred to the judiciary committee.

Mr. Gorman, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred a resolution, in relation to exempting from arrest, probate judges, while holding courts, and while going to and returning therefrom, have had that subject under consideration, and directed me to report a bill:

No. 159, a bill to exempt probate judges from arrest;

Read a first time and passed to a second reading.

Mr. Grover, from the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs to whom was referred the communication of His Excellency, Samuel Bigger, on the subject of the claim of S. S. Tipton, have had the same under consideration, and have directed me to report:

That from the affidavits and other papers, submitted by His Excellency, together with other evidence, your committee are satisfied that

an independent company, of which said Tipton had the command, was organized in the year 1835, and that a requisition was then made on N. Noble, the then Governor, for arms for said company—that during said year, fifty muskets, without accoutrements, were furnished said company—that said Tipton, having the repeated assurances of Gov. Noble, made frequent ineffectual attempts to obtain the accoutrements—that said Tipton was compelled, in order to prevent the disbanding of said company, to procure said accoutrements at his individual expense, as appears by proper affidavits and a receipt examined by your committee—that the muskets without the necessary accoutrements were entirely useless—that the muskets and accoutrements referred to, have been three times in the actual service of the State and the United States—that the same are of good quality and can at all times be made serviceable, and that said accoutrements are now in the possession of an agent of one of the officers of the State.

From all which, your committee have come clearly and decidedly to the conclusion, that inasmuch as by a law of Congress, the United States are bound to furnish the States with a certain quota of arms, and as a stand of arms cannot be complete without the necessary accoutrements, they are clearly of the opinion that this State would have a just and equitable claim on the United States' government for the amount allowed said Tipton; and believing it to be unjust in this, or any other legislature, to allow any individual citizen of the State to suffer under such circumstances, as will be the case, unless this legislature interposes in the present instance, have directed me to report the following bill:

No. 150. A bill for the relief of S. S. Tipton;

Read a first and second times, (the rules being suspended,) and referred to the committee on claims.

Mr. Defrees made the following report:

MR. SPEAKER:

The committee on claims have had under consideration the petition of Ebenezer Dumont, praying an appropriation to refund him a certain sum of money, improperly paid into to State Treasury, and have directed me to report that it is inexpedient to legislate on the subject, as a remedy for the petitioner already exists by the provisions of "an act to authorize the refunding of moneys in certain cases," approved February 14, 1839, page 34 of the acts of 1839, and therefore, ask to be discharged from its further consideration;

The committee were discharged.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads, to which was referred a resolution directing an inquiry into the expediency of so amending the law relative to the election of road supervisors, as to require such supervisors to be

elected by the voters of their respective districts; and also, a resolution concerning the appropriating the three per cent. fund; and also, a petition and remonstrance of sundry citizens of Knox county, concerning a state road in said county, have according to order, considered the said subjects, and directed me to report, that it is inexpedient to legislate upon any one of them, and ask to be discharged from the further consideration thereof;

Which was concurred in and the committee discharged.

Mr. Leslie from the same committee, made the following report:

MR. SPEAKER :

The committee on roads, to which was referred the petition of the president and trustees of the town of Rising Sun, have, according to order, considered that subject, and directed me to report a bill,

No. 151, a bill to amend an act respecting roads and highways;

Read a first time and passed to a second reading.

Mr. Wines of A. made the following report :

MR. SPEAKER :

The committee on canals, &c. to which was referred a petition from the citizens of Huntington county, praying for aid in the construction of a road and bridge therein, have had that petition under consideration, and have directed me to report the following bill and recommend its passage :

No. 152, a bill for the relief of Huntington county ;

Read a first and second times (the rules being suspended) and ordered to be engrossed.

Mr. Montgomery made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of sundry citizens of Lebanon, Boone county, have had the same under consideration, and have directed me to report the accompanying bill :

No. 153, a bill to authorise the appointment of a commissioner in Lebanon, Boone county, for certain purposes therein named.

Mr. Shoup made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of John B. Case, Abraham Hiter and James Rockefeller of Franklin county, praying for relief therein named, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 154, a bill for the relief of certain persons therein named ;

Read a first and second times (the rules being suspended) and referred to the committee on canals and internal improvements.

Mr. O'Neill made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Greene county, praying the change of a part of a certain State road therein named, have had the same under consideration and directed me to report the following bill :

No. 155, an act to change a part of a certain State road in Greene county ;

Read a first time and passed to a second reading.

RESOLUTIONS.

Mr. Hendricks moved to take from the table a resolution offered by him on the subject of the adjournment of the legislature ;

Which prevailed.

Mr. Henley moved to amend the resolution so as to fix the 31st of January as the time for an adjournment ;

Which was agreed to.

Mr. Dunbar moved to amend the resolution as follows :

" Provided the legislature is through with public business ; "

Which was lost.

Mr. Bradley moved to lay the resolution on the table.

Messrs. Hannegan and Henley demanded the ayes and noes on the question.

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Chapman of Hancock, Chapman of Laporte, Clark, Defrees, Deming, Devin, Dunbar, Edwards, Goodhue, Gorman, Hackleman, Howard, Lee, Marshall, Matheny, Myers, Robinson of Rush, Runyon and Mr. Speaker—21.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Dearborn, Butler, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, May, M'Allister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, Ogden, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannels, Rawlings, Reed, Robinson of Carroll, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Wines of Allen, Wines of Vigo and Yocum—72.

So the resolution was not laid on the table.

The question recurring on the adoption of the resolution,
And the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Butler, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, M'Allister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannels, Rawlings, Reed, Ritchey, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Saylor, Shiveley, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Whight, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—83.

Those who voted in the negative were,

Messrs. Bradley, Chapman of Hancock, Chapman of Laporte, Clark, Defrees, Deming, Dunbar, Goodhue, Marshall and Robinson of Rush—10.

And so said resolution was adopted.

On motion of Mr. Robinson of Carroll,

Resolved, That the board of internal improvement inform this House, at as early a day as is practicable, upon what particular works the money which the State Bank advanced for internal improvement purposes was expended, giving the amount so expended on each work.

On motion of Mr. M'Allister,

Resolved, That the Senate be requested to return to the House of Representatives the message informing them of the passage by the House of a bill entitled "an act to change the time of holding the circuit court in Madison county."

Mr. Ogden offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to authorise a majority of the legal voters of any school district to establish therein a female school in addition to the district school, which female school so as aforesaid established shall partake of the benefits of the school fund: *Provided*, That no female teacher shall be employed in such school without first producing to the trustees of such school district such certificate of qualifications as is required by law in other cases;

Which was not adopted.

Mr. Myers offered the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of appropriating fifty thousand dollars, in treasury notes, to the improvement of the Grand Rapids of the Wabash river;

Which was not adopted.

On motion of Mr. Ellis,

Resolved, That the judiciary committee be instructed to report a bill to amend the law relative to summoning petit jurors, so as to require but fifteen jurors to be summoned for each week of the term of the circuit court in Tippecanoe county.

On motion of Mr. Clark,

Resolved, That the agent of the three per cent fund be required to report to this House in what currency said three per cent fund has heretofore been received, and in what currency the same has been distributed in several counties, and if any profit has arisen to the State from exchanges in said fund, and at what rate of exchange, and if no certain data is in his office that he give such information as is in his power on the subject.

On motion of Mr. Montgomery,

Resolved, That the committee on the judiciary be instructed to examine the revenue laws of last session, and ascertain what portion of the same has been repealed by the present general assembly, and also, ascertain whether there is any thing necessary to render the sense of said laws comprehensible and easy of construction, with leave to report by bill or otherwise.

Resolved, That the judiciary committee report to this House before making any alteration or change in our judicial circuits, the number of courts our several president judges attend, and the number of weeks they are severally required by law to sit during the year, including the 12th circuit; also, the number of new courts that are created by the reorganization of the 8th, and creation of the 12th circuits, and if any, in what counties, and what number of polls in each of said counties; also, the number of polls in the counties from which they have been detached for judicial purposes, and whether in their opinion justice does not require a reorganization of all the circuits in our State, by dividing a portion of the labor of the old circuits among the new ones so as to make the labor as nearly equal as possible among them.

BILLS INTRODUCED.

By Mr. Bradley, No. 156, a joint resolution in relation to a fiscal agent of the United States;

Read a first time and passed to a second reading.

By Mr. Harding No. 157, a bill to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county;

Read a first time and passed to a second reading.

By Mr. Nelson No. 158, a bill declaring a certain name a misprint, and for other purposes;

Read a first time and passed to a second reading.

By Mr. Defrees No. 159, a bill entitled an act, for the relief of Abraham Stipp;

Read a first and second times, and referred to the committee on canals and Internal Improvements.

The House then proceeded to the

ORDERS OF THE DAY.

Mr. Clark moved to suspend the rules and take from the table a resolution offered by him in relation to repealing all laws authorizing the issuing of writs of *ne exeat*;

Which prevailed.

Mr. Cogswell moved to strike out all that part in relation to special bail;

Which did not prevail.

Mr. Chapman of L., moved to amend said resolution as follows:

Strike out the words that may be contracted after the 4th July next;

Which did not prevail.

The question was then taken on the adoption of the resolution, and decided in the negative.

No. 25, Senate bill to legalize the election of Mason Palmer formerly justice of the peace of Daviess county;

Read a second time and ordered to be engrossed.

BILLS OF THE HOUSE ON SECOND READING.

No. 130, a bill on the subject of an appraisment law;

Read a second time and laid on the table.

No. 131, a bill relative to water power at the town of Delphi Carroll county;

Read a second time and referred to the committee on canals and Internal Improvements.

No. 132, a bill to amend an act, entitled an act, authorizing the appointment of constables and defining their duties, approved Feb. 17, 1838, and for other purposes;

Read a second time and ordered to be engrossed for a third reading.

No. 134, a bill repealing an act, creating and prescribing the duties of county auditor;

Read a second time and referred to the judiciary committee.

No. 138, a bill for the relief of the heirs and legal representatives of Martha Wilson deceased;

No. 141, an engrossed bill to provide means for placing the Silver creek bridge between New Albany and Jeffersonville in a passable condition;

Which bills were each read a second time and ordered to be engrossed.

No. 140, a bill for the relief of Hugh and Robert Stewart;

Mr. Shoup moved to lay the bill on the table;

Which did not prevail.

Mr. Wines then renewed the motion to lay on the table which was also lost;

Mr. Defrees moved to refer it to a select committee with instructions to send for persons and papers;

Which prevailed.

Messrs. Wines of V., Gorman, Mitchell, Whight and Cotton, were appointed said committee.

No. 144, a bill to repeal the city charter of Madison;

Read a second time, when,

On motion the House adjourned till 2, P. M.

2 o'clock, P. M.

The House met.

The Speaker laid before the House a communication from Jesse L. Williams chief engineer, in answer to a resolution of this House, in relation to the Madison and Indianapolis Railroad;

Which was laid on the table and one hundred copies ordered to be printed;

Also, a report of the board of Internal Improvement in relation to the Madison and Indianapolis Railroad;

Which was laid on the table, and one hundred copies ordered to be printed.

The House resumed the consideration of the bill to repeal the city charter of Madison;

The question being upon ordering the bill to be engrossed for a third reading.

Messrs. Marshall and Meeker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Brown of M., Chapman of H., Cogswell, Cocley, Coon, Garrigus, Gilbert, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, McAlister, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Percy, Poulson, Rand, Ritchey, Robinson of C., Saffer, Sayler, Shively, Snook, Thompson of F., Thompson of N. and L., Whight, Yocum and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of D., Butler, Chapman of L., Clark, Clements, Cooper, Davis of F., Davis of S., Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Gorman, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marsh, Marshall, Matheny, Meeker, Milliken, Mitchell, Montgomery, Murray, Ogden, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Snoddy, Stratton, Tisdale, Townsend, Wines of A., and Wines of V.—55.

So said bill failed.

The following message was received from the Governor by his private secretary, Mr. Kiersted:

Mr. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 64—An act locating a State road in Clay county; also,

No. 97—A joint resolution for the relief of Alexander Beard; Which originated in the House of Representatives.

No. 145—A bill to repeal an act defining the duties of petitioners for relocating seats of justices, and for other purposes;

No. 147—A bill to amend an act entitled an act regulating the practice in suits at law, approved, January, 27, 1831;

Which bills were each read a second time and referred to the judiciary committee.

No. 146—A bill concerning the tax imposed on lands of non-residents in Pike county, for the purpose of opening and repairing roads and highways;

No. 148—A bill to change the time of holding Probate Courts in Green county;

Which bills were each read a second time and ordered to be engrossed.

SENATE BILLS ON THIRD READING.

No. 16—A bill to amend an act entitled an act to incorporate the town of Greensburgh, in Decatur county;

No. 39—A bill for the relief of the heirs of C. A. Dunmore, deceased;

No. 49—A bill to declare a certain county road therein named a State road;

No. 45—A bill to provide for the distribution of the laws of Congress to the several counties in this State;

No. 51—A bill declaring a certain name a misprint, and for other purposes;

No. 52—A bill declaring a certain road therein named a public highway;

No. 57—A bill to repeal an act incorporating a Seminary in the county of Gibson, and for other purposes;

No. 69—An engrossed bill to regulate the duties of Clerks of the Circuit Courts and County Auditors;

Which bills were each read a third time and passed.

Mr. Brown of Marion asked and obtained leave to present the petition of ———;

Which was referred to the committee on roads.

Mr. Defrees asked and obtained leave to make the following report:

Mr. SPEAKER:

The committee on claims to whom was referred bill number one hundred and fifty of the House, entitled an "act for the relief of Spear S. Tipton," have had it under consideration and being satisfied of the correctness of the claim, have directed me to report the bill back without amendment and recommend its passage.

The said bill being upon its engrossment for a third reading, the ayes and noes were called, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Brown of Dearborn, Chrisman, Clark, Clements, Cooley, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Ellis, Foulk, Frink, Grover, Hackleman, Hannegan, Lee, Lingle, Marsh, Marshall, Meeker, Mitchell, Monroe, Murray, Norvell, Quick, Rand, Rannells, Reed, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Sinks, Wines of Allen and Wines of Vigo—40.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bradley, Brown of Marion, Butler, Chapman of Hancock, Cogswell, Coon, Cooper, Devin, Dunbar, Edwards, Foley, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, May, McAlister, Milliken, Montgomery, Nelson, Ogden, O'Neill, Peak, Percy, Poulson, Rawlings, Ritchey, Sayler, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Yocum and Mr. Speaker—51.

So said bill failed.

No. 106—An engrossed bill requiring members of the General Assembly to account to the Auditor of State;

Read a second time, when,

Mr. Cooper moved the said bill be indefinitely postponed;

Upon this question Messrs. Gorman and Robinson of Carroll demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Dearborn, Chapman of Laporte, Clements, Cogswell, Cooley, Cooper, Cotton, Gilbert, Goodhue, Gorman, Grover, Hannegan, Hendricks, Hodges, Lawrence, Lee, Marsh, Marshall, Matheny, May, Milliken, Monroe, Murray, Myers, Norvell, Ogden, Rawlings, Reed, Ritchey, Rooker, Runyon, Saylor, Sinks, Stratton, Tisdale, Whight, Wines of Vigo and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Coon, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Hackleman, Harding, Henley, Hoobler, Howard, Hutton, Leslie, Lingle, McAlister, Meeker, Mitchell, Montgomery, Nelson, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannells, Robinson of Carroll, Saffer, Saunders, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Wines of Allen, and Yocum—51.

So the bill was not postponed.

Mr. Chapman of Laporte moved that the House adjourn;

And upon this motion the ayes and noes were demanded by Messrs. Hoobler and Garrigus:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Chapman of Laporte, Chrisman, Deming, Ellis, Foulk, Gilbert, Goodhue, Gorman, Hannegan, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, Meeker, Percy, Rawlings, Ritchey, Saffer, Stratton, Thompson of Noble, and Tisdale—25.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Chapman of Hancock, Clements, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Edwards, Foley, Frink, Garrigus, Goodenow, Grover, Hackleman, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, May, McAlister, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Quick, Rand, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Saylor, Sinks, Snoddy,

Snook, Thompson of Fayette, Townsend, Warriner, Whight, Wines of Allen, Wines of Vigo Yocum and Mr. Speaker—65.

Mr. Ritchey moved to lay the bill on the table;

And upon this question the ayes and noes were demanded by Messrs. Garrigus and Hoobler:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Brown of Dearborn, Butler, Cogswell, Cooley, Cooper, Cotton, Goodhue, Gorman, Grover, Hannegan, Henley, Hodges, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, Milliken, Monroe, Murray, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saffer, Saylor, Sinks, Stratton, Whight and Wines of Vigo—38.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Coon, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Hackleman, Harding, Hendricks, Hoobler, Howard, Hutton, McAlister, Meeker, Mitchell, Montgomery, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Percy, Poulson, Quick, Rand, Rannells, Robinson of Carroll, Runyon, Saunders, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Wines of Allen, Yocum and Mr. Speaker—54.

Mr. Edwards moved that the House adjourn;

Which did not prevail.

Mr. Yocum moved the previous question;

Which was not seconded.

On motion of Mr. Hannegan,

The House resolved itself into committee of the whole on said bill, Mr. Hannegan in the chair, and after sometime spent therein, the committee rose, and the chairman reported that the committee had, according to order, the bill under consideration, and had made some progress therein and asked leave to sit again;

Which leave was granted.

Mr. Cotton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor for his approval and signature, the following enrolled bill and joint resolution of the House, to-wit:

No. 64—An act locating a State road in Clay county;

MR. SPEAKER:

The judiciary committee, to which was referred a bill of the House entitled "a bill supplemental to an act to authorise certain persons therein named to erect a dam across the East Fork of White River, in Lawrence county, approved February 4, 1837," have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its indefinite postponement;

Which was not concurred in; and then said bill was ordered to be engrossed.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill of the House No. 135, entitled a bill to provide for the election of prosecuting attorneys by the people, have had that subject under consideration, and have directed me to report the bill back to the House with one amendment, viz, strike out of the first section the word "county" and insert the word "circuit."

On motion of Mr. Brown of Marion,

The bill was referred to a select committee of Messrs. Brown of Marion, Marshall, Bradley, Cooper and May.

Mr. Defrees made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, instructing the judiciary committee to "inquire what amendments are necessary, to the law regulating the duties of school commissioners, so as to fix an adequate punishment for the delinquencies of such commissioners, for not making their report to the Treasurer of State," have had that subject under consideration, and directed me to report it back to the House, and request its reference to the committee on education, and ask to be discharged from its further consideration;

The judiciary committee were discharged, and the resolution referred to the committee on education.

Mr. Gorman made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a bill of the Senate, No. 35; entitled, an "act to amend an act entitled, an act regulating the mode of doing county business in the several counties of this State, approved February 15th, 1841, have had the same under consideration, and directed me to report the same back to the House, with the following amendments: After the word oldest, insert "com-

missioned," and instead of 1841, insert 1740; and the second section, after the words in force, insert "in the county of Owen;"

In which they ask the concurrence of the House;

The House then concurred in said report.

Mr. Matheny made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of the House, requesting the committee to inquire into the expediency of amending the law concerning crime and punishment where fine and costs is the only punishment provided for by said act, so that the body of no person shall hereafter be imprisoned for said costs, have had the same under consideration and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

The committee was therefore discharged.

Mr. Dunbar made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House, instructing them "to report a bill providing for the distribution, among the several counties of the State, for the support of common schools, the portion of the proceeds of the public lands to which the State of Indiana is, or may be entitled by the act of congress, providing for the distribution of the proceeds of the public lands to the different States," have had the subject before them, and have directed me to report:

That, in obedience to the instructions, which are peremptory, they have drawn up a bill, which they herewith report; but that in the exercise of their own judgment upon the subject referred to them, which they conceive it to be their duty, as well as their right, to exercise in common with their fellow members, they think that inasmuch as there is now nothing on hand of the proceeds of the public lands, and that, in all probability, there will not shortly, (if ever,) be any thing arising from that source, in the power of this State to distribute for any purpose; legislative action on the subject, at this time, would be premature. They, therefore, respectfully recommend that the accompanying bill be laid upon the table.

No. 160. A bill to provide for distributing among the several counties of this State, of that portion of the proceeds of the public lands, which Indiana is, or may be entitled to, &c.;

Read a first and second times, (the rules being suspended,) and then, on motion of Mr. Gorman, laid on the table.

Mr. Gorman made the following report:

MR. SPEAKER:

The committee on education to which was referred a resolution on the subject of allowing each of the several counties in this State to send, free of any tuition fee, two students to the State University, have had that subject under consideration and directed me to report a bill:

No. 161. A bill to allow each county in this State to send two students to the State University;

Read a first time and passed to a second reading.

Mr. Ritchey, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to which was referred the petition of Christiana Catharine Frederickson, and a communication from Solon Robinson, P. M., on the subject of granting an extension of time to the owners of Indian reservations, for the payment of claims against them, have had the same under consideration, and directed me to report them back to the House, and ask their reference to the committee on ways and means.

Said petition was laid on the table.

Mr. Ritchey, from the same committee, made the following report:

MR. SPEAKER:

The committee on education to which were referred sundry resolutions of this House, in relation to the amendment of certain sections of the school law, have had the subject under consideration, and have directed me to report the following bill:

No. 162—a bill to amend an act, approved Feb. 15, 1841, to revise and amend an act incorporating Congressional townships, and providing for public schools therein;

Read a first time and passed to a second reading.

Mr. Ritchey, from the same committee, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a bill of the Senate, No. 43, entitled, an act to amend an act relating to county seminaries, approved Feb. 17, 1838, have had the same under consideration, and have directed me to report the bill back to the House without amendment, and recommend its passage.

Said bill of the Senate was then read a second time, and ordered to be engrossed.

Mr. Ritchey, from the same committee, made the following report:

MR. SPEAKER:

The committee on education, to which was referred a resolution of the House, directing an inquiry into the expediency of so amending the law regulating common schools, as to authorise the district clerk to administer oaths to other district officers, have had the same under consideration, and directed me to report that they think it inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject;

Which was concurred in, and the committee discharged.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads, to which was referred the petitions of N. Bolton, Jacob Koonkle, Wm. Holmes, and the memorial of John Cassell, concerning a State road therein named, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was concurred in and the committee discharged.

Mr. Garrigus made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a resolution of the House, inquiring into the expediency of reporting a bill relating to marks and brands of cattle, sheep, &c., have had that subject under consideration, and find that the present law covers the whole ground of said resolution; the committee therefore think it unnecessary to legislate on the subject, and ask to be discharged from any further consideration thereof.

The committee was discharged accordingly.

Mr. Poulson made the following report:

MR. SPEAKER:

The committee on federal relations, to which was referred a joint resolution on the subject of the general bankrupt law, have had that subject under consideration, and have directed me to report it back without amendment, and recommending its passage.

Mr. Chapman of L. moved to amend the said joint resolution as follows:

Strike out all that part relating to repeal.

Mr. Hendricks moved the joint resolution and proposed amendment be laid on the table;

Which prevailed.

Mr. Bradley made the following report:

MR. SPEAKER :

The committee of ways and means to whom was referred a resolution, directing them to inquire into the expediency of authorising the Treasurer of State to pay to the several county agents of the three per cent. fund, out of any moneys in the treasury, the amount that each county is entitled to, and which is withheld from the State by the General Government, for the purpose of paying the interest on Indiana State bonds, held by the government in trust for the Chickasaw Indians, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask that the committee be discharged from the further consideration thereof.

The committee were discharged accordingly.

Mr. Bradley made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a resolution, instructing said committee to inquire into the expediency of repealing an act approved Feb. 15, 1841, entitled, an act to amend an act, approved Feb. 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved June 30, 1836, have had that subject under consideration, and directed me to report that it is inexpedient to legislate upon that subject, and ask that the committee be discharged from the further consideration thereof.

Said resolution was laid on the table, and the committee discharged.

The Speaker laid before the House a communication from George H. Dunn, Treasurer of State, in answer to a resolution of this House, which was referred to the committee of ways and means.

Mr. Cotton, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred the memorial of the citizens of Spencer and Perry counties, have had the subject under consideration, and have directed me to report it back to the House, and ask its reference to the judiciary committee.

The memorial was accordingly referred to the judiciary committee.

Mr. O'Neill made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of 160 citizens of the county of Greene, praying an act of the legislature to establish a tobacco inspection at the town of Point Commerce, in

the county of Greene, have had that subject under consideration, and have directed me to report the following bill :

No. 163—a bill to establish a tobacco inspection in the town of Point Commerce, in Greene county ;

Read a first time, and passed to a second reading.

On motion of Mr. Harding,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of cutting through and erecting therein a lock of proper width for the passage of flat bottom boats through the Bluff feeder dam on White river, on the Southern division of the Central Canal; with leave to report by bill or otherwise.

On motion of Mr. Norvell,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law of crimes and punishment so far as relates to the vending of spirituous liquors, horse-racing, card-playing and other species of similar crimes, so as to make the same come under the jurisdiction of the several justices of the peace.

On motion of Mr. Hoobler,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of so amending the third section of an act entitled an act to improve the breed of cattle and horses, approved Feb. 15th, 1838, that it shall read "the twenty-fifth of July," instead of "the twenty-fifth of August;" with leave to report by bill or otherwise.

On motion of Mr. Robinson of Rush,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of so amending the law regulating the duties of grand jurors in admitting complaints, where there are suspicions whether the State can sustain the prosecution, so as to make the person making complaint liable, in case the State fails to sustain the prosecution.

On motion of Mr. Norvell,

Resolved, That the judiciary committee be instructed to report a bill allowing mechanics to peddle out their own articles of manufacturing without paying a license.

On motion of Mr. Brown of Marion,

Resolved, That the committee on the canal fund be directed to ascertain the number and amount of all State bonds, sold or hypothecated, for which full consideration has not been received, or which may have been disposed of by State agents, without the authority of law, and to report to this House a joint resolution for the repudiation of all such bonds.

On motion of Mr. Clements,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws now in force, respecting county officers who are receivers or disbursers of any trust or public fund, that said officers shall account semi-annually for the same with

the Clerk of the Circuit Court, or Auditor of their respective counties, and on failure so to do, to affix a penalty for the same.

On motion of Mr. Gorman,

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the proviso in the last part of the first section of "an act to provide for the selection of grand and petit jurors, approved January 25th, 1841," so as to insert the word "traverse" before the word "jurors."

On motion of Mr. Ritchey,

Resolved, That the committee of ways and means be directed to inquire into the expediency of requiring the County Assessors of the several counties in this State to perform the duties required to be performed by the County Appraisers in an act to value the property of this State, approved, Feb. 12, 1841.

On motion of Mr. Bradley,

Resolved, That the committee on the judiciary be instructed to report a bill amendatory of the act relative to crime and punishment, making it an offence punishable by fine and imprisonment for any director, or board of directors, of any Bank or Branch thereof in this State, in any respect, directly or indirectly, to violate the charter of said Bank or Branch, or to omit to perform any duty imposed on said director or board of directors by said charter.

Mr. Cooper moved to reconsider the vote by which a resolution of Mr. Ogden was laid on the table on yesterday;

Which prevailed.

The resolution was then adopted.

JOINT RESOLUTIONS AND BILLS INTRODUCED.

By Mr. Saffer; No. 164, a joint resolution concerning the investigating committees of the Senate and House of Representatives;
Read a first time and passed to a second reading.

BILLS INTRODUCED.

By Mr. Saylor; No. 165, a bill granting pre-emption rights to the actual settlers on the Wabash and Erie Canal lands;

Read a first time and passed to a second reading.

By Mr. Chapman of Laporte; No. 166, a bill to amend an act entitled an act amendatory to the charter of Michigan City;

Read a first time and passed to a second reading.

By Mr. Ogden; No. 167, a bill to locate a State road in Union and Franklin counties;

Read a first and second times (the rules being suspended) and ordered to be engrossed for a third reading.

By Mr. Yocum; No. 168, a bill to regulate doctors;

Read a first time, when,

Mr. Henley moved to reject it;

Which did not prevail.

And then the bill passed to a second reading.

By Mr. Marshall; No. 169, a bill for the relief of the heirs of Daniel Larrimore, deceased.

The rules were suspended and the bill read three several times and passed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Robinson of Carroll,

No. 91—A bill to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal, &c.;

Was taken from the table.

Mr. Robinson of Carroll offered the following amendments to said bill:

First section; after the word "improvement" insert "or acting commissioner;"

In the same section, after the words "for work done" insert "or being done;"

Same section; strike out the words "during the year 1841;"

Which amendments were adopted.

On motion of Mr. Hannegan,

The bill was further amended by adding the words "East of Tippecanoe river" at the close of the first section of the bill;

And then the bill passed.

The following message was received from the Senate by Mr. Moffatt, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with several amendments, bill of the House, as follows:

No. 62, an act for the completion of the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute;

In which several amendments the concurrence of the House is respectfully asked.

The House proceeded to consider said message.

First amendment of the Senate was concurred in by consent.

Mr. Montgomery then moved a call of the House; but the House refused the call.

On the question of concurrence with the second amendment of the Senate, mentioned in said message, the ayes and noes were called, and are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Dearborn, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Deming, Devin, Dunbar, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hannegan, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Nelson, Ogden, O'Neill, Peak, Poulson, Quick, Rand, Rannells, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Saunders, Sayler, Shively, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Whight, Wines of Allen, Wines of Vigo and Yocum—73.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Cotton, Defrees, Edwards, Hackleman, Harding, Leslie, Lingle, Montgomery, Myers, Norvell, Rawlings, Rooker, Runyon, Saffer, Townsend and Mr. Speaker—24.

The other amendments mentioned in said message were concurred in.

The Speaker laid before the House a communication from N. Noble, Fund Commissioner, in answer to a resolution of this House; Which was referred to the committee on canals and internal improvements.

On motion of Mr. Hannegan,

Mr. Ellis obtained leave of absence from the House for one week. The Speaker laid before the House a communication from Jesse L. Williams, Chief Engineer, in answer to a resolution of this House.

Mr. Marshall asked and obtained a suspension of the order of business to offer the following resolution:

Resolved, That the Rev. J. P. Stewart have the use of this Hall this evening, after the adjournment of the House, for the purpose of delivering a lecture on the subject of phrenology.

Mr. Wines of Allen moved to amend the resolution as follows:

"After the adjournment of the investigating committee."

Which was lost.

On the question of adopting the resolution, the ayes and noes were demanded by Messrs. Garrigus and Hannegan:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss,

Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Davis of Sullivan, Defrees, Deming, Dunbar, Edwards, Foley, Foulk, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Howard, Hutton, Lee, Marshall, Matheny, May, McAlister, Monroe, Montgomery, Murray, Norvell, Rawlings, Robinson of Rush, Runyon, Saffer, Saunders, Sayler, Shively, Snoddy, Stratton, Tisdale, Warriner, and Wines of Vigo—51.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Clark, Coon, Cooper, Cotton, Davis of Floyd, Devin, Garrigus, Hannegan, Hendricks, Hodges, Hoobler, Lawrence, Leslie, Lingle, Marsh, Meeker, Milliken, Mitchell, Myers, Nelson, Ogden, O'Neill, Peak, Poulson, Quick, Rand, Rannells, Reed, Robinson of Carroll, Rooker, Sinks, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Whight, Yocum and Mr. Speaker—40.

Bill No. 170—A bill amendatory to an act entitled an act concerning clerks, approved Jan. 20, 1831;

Read a first time and passed to a second reading.

Mr. Bradley moved to reconsider the vote of yesterday on the engrossment of the bill for the relief of S. S. Tipton;

And on this question the ayes and noes were demanded by Messrs. Whight and Garrigus:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chrisman, Clark, Cooley, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Foley, Foulk, Gilbert, Grover, Hackleman, Hannegan, Harding, Hendricks, Lee, Lingle, Marsh, Marshall, McAlister, Meeker, Mitchell, Monroe, Murray, Myers, Norvell, Ogden, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Shively, Sinks, Thompson of Noble, Tisdale, Wines of Allen and Wines of Vigo—53.

Those who voted in the negative were,

Messrs. Chapman of Hancock, Cogswell, Coon, Cooper, Dunbar, Garrigus, Graham, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, Milliken, Montgomery, Nelson, O'Neill, Peak, Poulson, Rand, Ritchey, Sayler, Snoddy, Snook, Stratton, Thompson of Fayette, Townsend, Warriner, Whight, Yocum and Mr. Speaker—33.

Mr. Garrigus moved a call of the House:

The House refused to call.

The question recurring on the engrossment of the bill,

The ayes and noes were demanded by Messrs. Rannells and Garrigus, and are as follows :

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chrisman, Clark, Clements, Cotton, Davis of Floyd, Defrees, Deming, Edwards, Foulk, Gilbert, Goodenow, Grover, Hackleman, Hannegan, Harding, Lee, Lingle, Marsh, Marshall, M'Allister, Meeker, Mitchell, Monroe, Murray, Myers, Norvell, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Shively, Sinks, Thompson of Noble, Tisdale, Wines of Allen and Wines of Vigo—48.

Those who voted in the negative were,

Messrs. Butler, Chapman of Hancock, Cogswell, Cooley, Coon, Cooper, Devin, Dunbar, Foley, Garrigus, Graham, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, Milliken, Montgomery, Nelson, Ogden, O'Neill, Peak, Pearcey, Poulson, Rand, Ritchey, Saffer, Saylor, Snoddy, Snook, Stratton, Thompson of Fayette, Townsend, Warriner, Whight, Yocum and Mr. Speaker—41.

By Mr. Marshall, No. 172, a bill relative to the suspended debt due the State ;

Read a first time and passed to a second reading.

By Mr. Howard, No. 173, a bill to amend the act entitled an act to amend and revise the act entitled an act to incorporate the several townships in Dearborn county ;

Read a first time and passed to a second reading.

Mr. Cotton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills and joint resolution of the Senate, to-wit :

No. 18, an act to repeal a portion of a "joint resolution on the subject of the Michigan road lands," approved February 15, 1841 ;

No. 19, an act for the relief of certain persons therein named ;

No. 26, an act to define more particularly the duties of the commissioner of the three per cent. fund in Daviess county ;

No. 27, an act to vacate an alley in the town of Lebanon ;

No. 32, an act to repeal an act entitled "an act incorporating the Washington county seminary," approved January 24, 1827 ;

No. 33, an act to provide for changing the time of holding the probate courts in the county of Orange ;

No. 27, an act to legalise the proceedings of Hamilton Lapham, as commissioner to survey and locate a State road from Lebanon in Boone county to Thorntown ;

No. 50, a joint resolution for the benefit of the citizens of the reserved township in Gibson county.

Mr. Henley asked and obtained leave of absence for Mr. Wines of Vigo till Thursday evening next.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JAN. 1, 1842.

The House met according to adjournment.

Mr. Graham moved a call of the House ;

Which was ordered.

Before the House was called through,

On motion of Mr. Gorman,

The further proceeding in said call was suspended.

PETITIONS WERE PRESENTED,

By Mr. Bradley, of the proceedings of a meeting of the board of directors of the Branch Bank at Michigan City, on the subject of a resumption of specie payments by the Banks of Indiana ;

Referred to the committee on the State Bank.

By Mr. Clark, of David Negley and Joel Lambert, on the subject of obstructions in Pigeon creek, Vanderburgh county ;

Referred to the committee on canals and internal improvements.

By Mr. Cooley, of citizens of Franklin county, in relation to confining voters at elections to vote within their respective townships ;

Referred to a select committee of Messrs. Cooley, Quick and Thompson of Fayette.

By Mr. Warriner, of citizens of Porter county, in regard to amendments to the law in relation to insane persons ;

Referred to the judiciary committee.

Mr. Dunbar made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of E. Brashears and other citizens of Warrick county, have had the same under consideration, and have directed me to report by bill :

No. 174, a bill to attach an additional school district to congressional township No. 5, south of range No. 8 west, in Warrick county.

Read a first time and passed to a second reading.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

I am directed to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives entitled,

No. 42, an act to abolish imprisonment for debt ;

No. 58, an act for the relief of Patrick Eagan ;

No. 61, an act for the relief of Patrick Rush ; and

No. 169, an act for the relief of the heirs of Daniel Larimore, deceased ;

All without amendment except the first named, to which the Senate has made several amendments, in which the concurrence of the House of Representatives is respectfully requested.

The Senate has also concurred in the amendment made by the House of Representatives to the bill of the Senate No. —.

The House proceeded to consider said message from the Senate.

Mr. Davis of Floyd moved to concur with the amendments of the Senate, with an amendment.

Concur with this amendment ; that if the judgment plaintiff be desirous of suing out a *ca. sa.* execution on any judgment, he shall first make and file an affidavit, charging that he verily believes the judgment defendant fraudulently conceals his property—which affidavit shall authorise the clerk or court where said judgment may be to issue a writ against said judgment defendant, notifying him to appear at some day therein named, not to exceed twenty days if before a justice of the peace, and if in the circuit court, returnable to the next term of said circuit court after the issuing said writ ; and when said judgment defendant shall appear, the matter charged in said affidavit shall be tried by a jury of twelve men, and if the jury find for the plaintiff a *ca. sa.* execution shall thereupon issue.

Mr. Norvell made the following report :

MR. SPEAKER :

The select committee, to whom was referred a resolution requesting a change in selecting petit jurors in Lawrence county, and for other purposes, have had the same under consideration, and request me to report the following bill :

No. 175, a bill to change the mode of selecting petit jurors in Lawrence county, and for other purposes ;

Read a first time and passed to a second reading.

BILLS INTRODUCED.

By Mr. Gorman; No. 176, a bill to abolish imprisonment for debt; Which was read a first and second times, (the rules being suspended,) when Mr. Runyon moved to refer it to the Judiciary committee; Which did not prevail.

Mr. Davis of F. moved to strike out said bill from the enacting clause and insert the following:

SEC. —. That hereafter, no writ of *capias ad respondendum* shall be issued, by which any defendant or defendants shall be required to give special bail, unless the plaintiff, his agent or attorney, shall first make and file an affidavit charging that said defendant or defendants is about to abscond, or that said defendant or defendants is, or are disposing of, or about to dispose of his or their property with a view of defrauding his or their creditors.

SEC. —. That hereafter, no writ of *capias ad satisfaciendum* shall be issued against any defendant or defendants, unless the judgment plaintiff, his agent or attorney, shall make and file an affidavit with the clerk or justice of the peace where said judgment may be, charging that the judgment defendant or defendants fraudulently conceals his or their property, and the clerk or justice, as the case may be, shall thereupon issue a writ against said defendant or defendants, notifying him or them to be and appear, if in the circuit court at the next term thereof, after the issuing of said writ, and if before a Justice of the Peace, within twenty days, and show cause if any they can, why a *capias ad satisfaciendum* shall not issue; and the court shall thereupon order a jury of 12 good and lawful men to be empanelled to try the matter charged in such affidavit, and if the jury shall find that the matters charged in such affidavit are true, a *capias ad satisfaciendum* shall thereupon issue, and not otherwise.

On motion of Mr. Chapman of L.,

Said bill and proposed amendments were laid on the table.

The following message was received from the Governor by his private Secretary, Mr. Kiersted :

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed,

No. 62, an act for the completion of the Wabash and Erie Canal, from the mouth of Tippecanoe river to Terre Haute;

Which originated in the House of Representatives.

Mr. Robinson of R., from the committee on Enrolled Bills, made the following report :

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have compared the enrolled with the engrossed bill of the House of Representatives, and find the same truly enrolled, to wit:

No. 62, an act for the completion of the Wabash and Erie canal, from the mouth of Tippecanoe river to Terre Haute.

On motion of Mr. Hannegan,

The House resolved itself into a committee of the whole on bill No. 143, for the relief of the people of this State, Mr. Cogswell in the chair, and after some time spent therein the committee rose.

The House then adjourned till Monday morning 9 o'clock.

MONDAY JAN. 3, 1842.

House met according to adjournment.

PETITIONS WERE PRESENTED.

By Mr. Dunbar, of John S. Reid, on a subject therein named;
Referred to the judiciary committee.

Mr. Hannegan asked the appointment of another member on the investigating committee, in room of Mr. Simonson who is unable on account of sickness, to attend to the duties of said committee.

The Speaker then appointed Mr. Mitchell as a member of said committee.

By Mr. Ogden, of citizens of Union county in relation to confining voters to their respective townships;

Referred to a select committee of Messrs. Ogden, Williamson and Mitchell.

By Mr. Myers, of citizens of the borough of Vincennes, asking for relief;

Referred to a select committee of Messrs. Myers Davis of S., and Devin.

By Mr. Wines of A., the memorial of William A. Jackson for relief;

Referred to the committee on Canals and Internal Improvements.

Mr. Henley asked and obtained leave to offer the following resolution:

Resolved, That the committee of Ways and Means be directed to allow in the specific appropriation bill the sum of ninety two dollars

for the services of James H. Elliott as clerk of the investigating committee of this House;

Which was adopted.

By Mr. Hutton, a petition and remonstrance of citizens of Putnam county on the subject of State roads;

Referred to the committee on roads.

By Mr. Montgomery, of citizens of Warren county, on the subject of a certain school section;

Referred to the committee on education.

By Mr. Rawlings, of Fleming Husbands, on the subject of a divorce;

Referred to a select committee of Messrs. Rawlings, Goodhue and Lawrence.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed without amendment, an engrossed bill of the House of Representatives, entitled an act, regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo;

The Senate has also concurred in the amendment made by the House of Representatives to bill No. 45, of the Senate entitled "an act to provide for the distribution of the laws of Congress to the several counties in this State."

Mr. Henley from the committee of Ways and Means made the following report:

MR. SPEAKER :

The minority of the committee of Ways and Means to whom was referred a resolution of this House instructing them to inquire into the expediency of repealing so much of the act, entitled an act, to amend an act, approved Feb. 6th, 1837, entitled an act to provide for the distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836, approved Feb. 15, 1841, have directed me to report the following bills:

No. 177, a bill to repeal an act converting the sinking, saline, college, surplus revenue, and State Bank school funds, into Bank stock;

Read a first time and passed to a second reading.

No. 178, a bill to repeal the 1, 2, 3, 4, 5 and 7th sections of an act, to provide in part for the payment of the interest on the public debt;

Read a first time and passed to a second reading.

Mr. Gorman from the judiciary committee made the following report:

MR. SPEAKER :

The judiciary committee to whom was referred a resolution on the subject of amending the 48th section of an act regulating the duties and jurisdiction of justices of the peace, approved Feb. 17, 1838, as to make the recognisance of bail entered on the justice's docket, for the stay of execution in any case, have the same effect as a recognisance of a like nature, entered in the circuit court, have had the same under consideration, and deem it quite an important amendment to the practice in such cases. That it will lessen the costs, and do no injustice or injury to the judgment, plaintiff, defendant, or replevin bail, and simplify the proceedings in such cases, and have directed me to report a bill,

No. 179—a bill to amend an act regulating the duties and jurisdiction of justices of the peace, approved Feb. 17, 1838;

Read a first time and passed to a second reading.

Mr. Hannegan, from the committee on the judiciary, reported back to the House,

No. 94—a bill to incorporate the Wayne, Union, and Randolph turnpike company, and the Wayne turnpike company;

Which was ordered to be engrossed for a third reading.

Mr. Ritchey, from the committee on education, made the following report:

MR. SPEAKER :

The committee on education have had under consideration certain resolutions adopted at a meeting of the Wayne county Education Society, and also a resolution of this House, directing an enquiry into the expediency of concentrating all moneys heretofore received, and hereafter accruing from the sale of the 16th or school sections, throughout the State, into one common fund for education purposes, and directed me to report that, in the opinion of the committee, it is inexpedient to legislate on the subject of the resolutions.

Which was concurred in and the committee discharged.

Mr. Ritchey, from the same committee, made the following report:

MR. SPEAKER :

The committee on education, to whom was referred a bill of the Senate, No. 42, entitled, "a bill to amend the school law," have had the same under consideration, and have unanimously advised me to report it back to the House, and recommend its indefinite postponement.

The report was not concurred in and the bill not so indefinitely postponed.

Mr. Graham then moved to re-consider the vote by which the House refused to indefinitely postpone said bill;

Which prevailed.

The bill was then indefinitely postponed.

Mr. Ritchey, from the same committee, made the following report:

MR. SPEAKER :

The committee on education, to whom was referred the petition of Abel White and other citizens of Franklin county, complaining of the application of a portion of the common school fund belonging to their Congressional township, to the support of a school in the county seminary, and praying the passage of a law prohibiting the future application of any portion of the said common school fund to the support of the county seminary, have considered the subject of the petition, and directed me to report that, while in the opinion of the committee the laws forbidding the application of the common school fund to any other purpose than the support of common schools are sufficiently clear and explicit, yet they can see no good reason why, if a majority of the inhabitants of any school district, or Congressional township, think proper to adopt the school kept in the county seminary as a common school, they should be deprived of their proportion of the aforesaid school fund. The committee are therefore of opinion that no further legislation on that subject is necessary, and ask to be discharged from its further consideration.

And said committee was discharged accordingly.

Mr. Gorman, from the committee on education, made the following report:

MR. SPEAKER :

The committee on education, to whom was referred a resolution in relation to repealing so much of an "act entitled an act regulating the salaries of auditor, secretary and treasurer of State, as requires four hundred dollars of the auditor and treasurer's salary to be paid out of the college or loan office fund," have had that subject under consideration, and find that in the act of congress entitled "an act to enable the people of Indiana territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April 19th, 1816. The sixth section and fourth proposition of congress, is as follows:

"That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature." Which said proposition of the congress of the United States was accepted by an ordinance of the territorial convention of the State of Indiana, on the 10th of June, 1816, and signed and attested on the 29th of June, 1816.

Your committee, therefore, are unanimously of opinion, that to divert these funds arising from the sales of such seminary township of

land to any other object than for the sole use and benefit of such State seminary would be a violation of the compact between the General Government and this State, and would be contrary to good policy and have unanimously directed me to report the following bill:

No. 180, a bill to repeal part of an act entitled an act regulating the salaries of auditor, secretary and treasurer of State;

Read a first time, and passed to a second reading.

Mr. Bowers, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of amending the law on the subject of summoning petit jurors in the counties of Ripley, Daviess, Adams, Perry, Greene and De Kalb, have had the same under consideration, according to order, and have instructed me to report the following bill and recommend its passage:

No. 181, a bill concerning petit jurors in certain counties therein named;

Read first time, and passed to second reading.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of E. E. Morgan and others, praying a change in the mode of settling accounts, debts and demands by the county auditor, have had the same under consideration, and have directed me to report a bill:

No. 182, a bill to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841;

Read a first and second times (the rules being suspended) and referred to the judiciary committee.

Mr. Bowers made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Mary Ann Brewner, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 183, a bill to remove the disability of Mary Ann Brewner:

Read a first time and passed to second reading.

Mr. Henley offered the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of providing by law for the surrender of all or any portion of the public works to private companies, on condition that such companies return to the State an amount in State bonds equal to the amount expended on such work, with such provisions as may best

enable such companies to complete said works. And that said committee also inquire into the expediency of abolishing the offices of chief engineer, fund commissioner and the board of internal improvements, and appointing an agent on the part of the State to attend to the interests of the State, with reference to the suspended debt, without any power to sell, deliver or hypothecate State bonds for any purpose. And that said committee report by bill or otherwise, and to provide for the appointment of a commissioner on the Wabash and Erie canal.

On motion of Mr. Ritchey,

The above resolution was amended by striking out "enquire into the expediency;"

Which prevailed.

And then the resolution was adopted.

Mr. Bradley offered the following resolution:

Resolved, That the President of the State Bank be requested to communicate to this House at as early a day as possible, any and all information possessed by him of the following matters to-wit:

What is the amount of indebtedness of the stockholders of the Michigan City Branch, to that institution? and also, what has been the greatest amount of such indebtedness since the organization of said Branch? what is the amount of indebtedness of the Directors of said Branch, to said institution? and what has been at any time the greatest amount? what is each Director's indebtedness, and what is his amount of stock therein? and what the greatest indebtedness of each and every Director in said Branch since its first organization, with the amount of stock by him owned at the time?

How long has the indebtedness of each Director existed, and how much has it been reduced since the creation of the debt? whether the debts of the Directors have been required to be reduced in instalments as other debts, or otherwise? whether any loans or discounts have been made to any person or persons, directly or indirectly, to enable them to purchase or pay for the Stock of the Bank? and if so, to whom, and how much respectively, and why were they so made? whether or not the instalments due on the stock have been regularly and promptly paid in, according to the charter or otherwise, and if otherwise, when, and for how long, and for what reason was it so, and was said failure made by Directors or others?

Whether the said Branch through the Directors, or any of them, has directly or indirectly, loaned money at more than 6 per cent interest in advance, and if so, whether it has been done on paper negotiable and payable at said Branch?

What is the actual amount of profit made by said Branch during each and every year, upon the capital paid in, and out of which dividends, expenses, contingent funds and taxes are paid, and what the dividend, what the expenses and what the contingent fund declared, paid and created for said year?

That said president also communicate all information in his possession, relative to any misconduct or improper proceedings in the said

Branch, and also, what action if any, has been had by the State Board in relation thereto. That said president be directed to communicate any information he may have received from the Banks of other States, as to their intention of resuming specie payments, and also what will be the consequences of an attempted resumption by the State Bank, during the suspension of specie payment by other Banks.

On motion of Mr. Chapman of L.,

Said resolutions were laid on the table.

Mr. Bradley offered the following resolution:

Resolved, That the select committee appointed to examine into alleged frauds, or improper expenditures of public moneys or other public securities by fund commissioners and officers connected with the Internal Improvement system, be instructed to cause the evidence heretofore taken by them, to be printed immediately after the same is taken, and that said committee cause one thousand copies thereof to be printed in all.

Mr. Foley moved to amend the resolution as follows:

To be distributed one in each county Library, one in each clerk's office, and one to each member of this House;

Which did not prevail.

Mr. Hoobler moved to strike out 1000 in said resolution and insert 500;

Which did not prevail.

The resolution was then adopted.

On motion of Mr. Norvell,

Resolved, That a select committee be appointed to inquire into the facts as set forth in the Auditors' report, in relation to tract books, whether the charges are just and reasonable, whether the charges of the registers as allowed by the Auditor are not *too large*, thereby increasing the allowances made to the auditor; the *actual cost* of making the tract books for which he has charged the State of Indiana \$2,282-30, and report the result to this House.

Which was referred to a select committee of Messrs. Norvell, Garrius, Robinson of C., Edwards and Murray.

On motion of Mr. Milliken,

Resolved, That the committee on education be instructed to enquire into the expediency of amending the surplus revenue law, as suggested by the Treasurer in his report on the surplus revenue fund.

BILLS INTRODUCED.

By Mr. Milliken, No. 184—a bill to authorize John Callahan to build a Bridge across the mouth of Tanner's creek in Dearborn county, Read a first and second times, (the rules being suspended,) and referred to the committee on corporations.

By Mr. Bearss, No. 185—a bill providing for closing and selecting lands not yet offered for sale, belonging to the Wabash and Erie canal East of the Tippecanoe river;

Read a first time and passed to a second reading.

By Mr. Dunbar, No. 186—a bill to regulate the duties of county assessors;

Read a first time and passed to a second reading.

By Mr. Gorman, No. 187—a bill for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein;

Read a first time and passed to a second reading.

Mr. Henley obtained leave to offer the following resolution:

Resolved, That the committee on the affairs of the State Prison, be instructed to inquire into the expediency of reporting a bill providing for the appointment of a superintendent of said Prison, in case of a vacancy, by resignation;

Which was adopted.

The Speaker laid before the House a communication from G. H. Dunn agent of the three per cent fund, made in obedience to a resolution of this House.

Which was referred to the committee of Ways and Means.

The House then proceeded to the

ORDERS OF THE DAY.

Bills of the House on second reading.

No. 149—a bill to exempt probate judges from arrest;

No. 151—a bill to amend respecting roads and highways;

No. 157—a bill to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county;

No. 155—an engrossed bill to change a part of a certain State road in Greene county;

No. 158—an engrossed bill declaring a certain name a misprint, and for other purposes;

No. 161—a bill to allow each county in the State to send two students to the State university;

No. 162—a bill to amend an act, approved Feb. 15, 1841, to revise and amend an act incorporating congressional townships, and providing for public schools therein;

No. 163—a bill to establish a tobacco inspection in the town of Point Commerce in Greene county;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 153—a bill to authorize the appointment of a commissioner in Lebanon, Boone county, for certain persons therein named;

Read a second time and referred to a select committee of Messrs. Chrisman, Saylor and Snook.

No. 156—a joint resolution in relation to a fiscal agent of the United States;

Mr. Robinson of C., moved to lay said joint resolution on the table;

Which prevailed.

No. 164—a joint resolution concerning the investigating committee of the Senate and House of Representatives;

Mr. May moved to amend said joint resolution as follows:

Strike out all after the word book, and insert, of the chronicles of the financial wisdom of the State of Indiana;

Which did not prevail.

On motion of Mr. Chapman of L.,

Said joint resolution was referred to the investigating committee.

No. 165—a bill granting pre-emption rights to the actual settlers on the Wabash and Erie Canal lands;

Read a second time and referred to a select committee of Messrs. Sayler, Bearss, Runyon, Rannells and Murray.

No. 166—a bill to amend an act, entitled an act, amendatory to the charter of Michigan city;

Read a second time, (rules being suspended,) read a third time and passed.

No. 168—a bill to regulate doctors;

Mr. Bradley moved to refer it to a committee of the whole House.

Mr. Cogswell moved to lay it on the table;

Which was lost,

Mr. Ritchey moved to amend as follows:

That the committee be instructed to insert some provision fixing the fees of Lawyers;

The question then recurring on the motion of Mr. Bradley to refer it to a committee of the whole House;

Was taken and lost.

Mr. Chapman of L., moved to refer it to the judiciary committee;

Which did not prevail.

Mr. Graham moved to indefinitely postpone said bill, and upon this question the ayes and noes were demanded by Messrs. Garrigus and Hoobler.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bowers, Bradley, Brown of D., Brown of M., Butler, Chapman of L., Cogswell, Cooley, Cotton, Defrees, Deming, Dunbar, Edwards, Foley, Foulk, Gilbert, Gorman, Graham, Grover, Harding, Hodges, Lee, Lingle, Marshall, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Myers, Norvell, Ogden, O'Neill, Ritchey, Robinson of R., Runyon, Sinks, Snoddy, Thompson of F., Thompson of N. and L., Tisdale, Whight, Williamson, and Wines of A.—46.

Those who voted in the negative were,

Messrs. Barnett of M., Chapman of H., Chrisman, Clark, Clements, Coon, Davis of F., Davis of S., Devin, Garrigus, Goodenow, Goodhue, Hannegan, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie,

Marsh, Matheny, McAlister, Murray, Nelson, Peak, Poulson, Quick, Rand, Rannells, Rawlings, Reed, Robinson of C., Saffer, Saunders, Sayler, Snook, Stratton, Townsend, Warriner, Yocum and Mr. Speaker—41.

Mr. Hannegan asked and obtained leave to offer the following resolution:

Resolved, That the use of this Hall be granted to the Indiana Horticultural Society, on Wednesday afternoon, the 5th instant.

On the question of the adoption of the resolution, the ayes and noes were demanded by Messrs. Whight and Chapman of H.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Brown of D., Brown of M., Butler, Chapman of L., Chrisman, Clark, Clements, Cooley, Cotton, Davis of F., Defrees, Deming, Devin, Dunbar, Edwards, Foley, Foulke, Gilbert, Goodenow, Goodhue, Graham, Grover, Hannegan, Harding, Henley, Howard, Hutton, Lee, Leslie, Lingle, Marsh, Marshall, May, McAlister, Meeker, Milliken, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, Poulson, Quick, Rawlings, Reed, Robinson of R., Runyon, Saffer, Saunders, Sayler, Sinks, Snook, Stratton, Tisdale, Townsend, Warriner, Williamson, Wines of A., and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Chapman of H., Cogswell, Coon, Davis of S., Garrigus, Gorman, Hodges, Hoobler, Lawrence, Matheny, Monroe, Ogden, Peak, Rand, Robinson of C., Snoddy, Thompson of F., Thompson of N., Whight, and Yocum—20.

Mr. Chapman of L. moved to take from the table the resolution of Mr. Bradley;

Which was agreed to:

And then the resolutions were adopted.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Hannegan moved to take up the bill from the Senate, to abolish imprisonment for debt, when it appeared there was not a quorum voting.

A call of the House was then ordered, and the roll being called through, and it appearing that there was a quorum present,

On motion of Mr. Hannegan,

The further call was suspended.

Mr. Hannegan then changed his motion so as to take from the table, No. 176, to abolish imprisonment for debt;

Which was agreed to.

Mr. Davis of F. moved to refer the bill to the Judiciary committee, with instructions to incorporate the same amendment which he offered on Saturday;

And upon this question, the ayes and noes were called by Messrs. Davis of F., and Quick:

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bowers, Chapman of H., Chapman of L., Chrisman, Cooley, Davis of F., Deming, Edwards, Foulke, Goodenow, Goodhue, Howard, Leslie, Lingle, Matheny, May, Monroe, Montgomery, Ogden, Quick, Rand, Rannells, Rawlings, Reed, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of A.—35.

Those who voted in the negative were,

Messrs. Barnett of M., Bradley, Brown of D., Brown of M., Butler, Clark, Clements, Cogswell, Coon, Davis of S., Defrees, Devin, Dunbar, Foley, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, McAlister, Meeker, Milliken, Mitchell, Murray, Myers, Norvell, O'Neill, Peak, Poulson, Ritchey, Robinson of C., Robinson of R., Rooker, Saylor, Shively, Snoddy, Snook, Thompson of F., Thompson of N., Warriner, Whight, Yocum and Mr. Speaker—55.

So said motion did not prevail.

Mr. Davis of F. moved to strike out said bill from the enacting clause, and insert the same proposition which he moved as instructions to the Judiciary committee;

And upon this question, the ayes and noes were demanded by Messrs. Gorman and Brown of M.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bowers, Chapman of H., Chapman of L., Chrisman, Davis of F., Edwards, Foulke, Goodenow, Goodhue, Howard, Leslie, Lingle, May, Montgomery, Ogden, Quick, Rand, Rannells, Rawlings, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson and Wines of A.—30.

Those who voted in the negative were,

Messrs. Barnett of M., Bradley, Brown of D., Brown of M., Butler, Clark, Clements, Cogswell, Cooley, Coon, Davis of S., Defrees, Dem-

ing, Devin, Dunbar, Foley, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Ritchey, Robinson of C., Robinson of R., Rooker, Saylor, Shively, Snoddy, Snook, Thompson of F., Thompson of N., Warriner, Whight, Yocum and Mr. Speaker—59.

Mr. Stratton moved to amend the bill as follows:

At the end of second section add, *Provided*, That this act may be plead in bar, and shall actually be a bar to all suits that may arise against any bail, by the discharge of any prisoner under this act;

Which was adopted.

Mr. Bradley moved to further amend the bill, as follows:

Sec. 3d. That so much of the 4th section of the act entitled, An act to authorize writs of *ne exeat*, approved Feb. 17, 1838, as authorizes and requires the imprisonment of the defendant, be, and the same is hereby repealed;

Which amendment was also adopted.

Mr. Chapman of H. moved to amend the bill as follows:

Repeal so much of the law concerning crimes and punishments as subjects the defendant to imprisonment for costs in trivial breaches of the peace;

Which did not prevail.

Mr. Chapman of L. moved to lay the bill on the table,

And upon this question, the ayes and noes were demanded by Messrs. Gorman and Hannegan;

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Chapman of Hancock, Chapman of Laporte, Chrisman, Cooley, Edwards, Foulk, Goodhue, Howard, Leslie, Lingle, May, Montgomery, Ogden, Quick, Rannells, Rawlings, Reed, Runyon, Saunders, Sinks, Stratton, Tisdale and Williamson—26.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bradley, Brown of Dearborn, Brown of Marion, Butler, Clark, Clements, Cogswell, Coon, Cotton, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Foley, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Rooker, Saffer, Saylor, Shively, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—62.

So said bill was not laid on the table.

The question then being on ordering the bill to be engrossed for a third reading;

Messrs. Gorman and Brown of Marion demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Brown of Marion, Butler, Clark, Clements, Cogswell, Coon, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Foley, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Chapman of Laporte, Chrisman, Cooley, Edwards, Foulk, Goodhue, Leslie, Lingle, May, Montgomery, Ogden, Quick, Rannells, Saunders, Sinks, Stratton, Townsend and Williamson—20.

And said bill was engrossed for a third reading.

The question then being on the passage of the bill,

Messrs. Gorman and Hannegan called for the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Clark, Clements, Cogswell, Coon, Cotton, Davis of Sullivan, Defrees, Deming, Devin, Dunbar, Foley, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, McAlister, Meeker, Milliken, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Laporte, Chrisman, Cooley, Edwards, Foulk, Goodhue, Howard, Leslie, Lingle, May,

Monroe, Montgomery, Ogden, Quick, Saunders, Sinks, Stratton, Townsend and Williamson—20.

And so said bill passed.

Mr. Henley, on leave granted, offered the following resolution:

Resolved, That the Auditor of State be requested to inform this House what expenses were incurred by him in procuring tract books under the provisions of the joint resolution, approved February 9th, 1841, and whether he employed additional clerks, and at what compensation, together with all other expenses he may have incurred, in the discharge of the duties enjoined on him by said joint resolution;

Which was adopted.

Mr. Cotton made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills have compared the following engrossed with the enrolled bill of the House of Representatives, and find the same truly enrolled, to-wit:

No. 31—An act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo.

Mr. Robinson of Rush made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives and Senate and find the same truly enrolled, to-wit:

No. 61—An act for the relief of Patrick Rush;

No. 169—An act for the relief of the heirs of Daniel Larrimore, deceased;

No. 58—An act for the relief of Patrick Eagan;

No. 62—An act to amend an act incorporating Congressional townships and providing for public schools therein, approved Feb. 17th, 1838, approved February 15th, 1841.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, JAN. 4, 1842.

The House met according to adjournment.

The following message was received from the Senate by Mr. Maquire their Secretary:

Mr. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled as follows, viz:

No. 12—An act to amend an act entitled, "an act to regulate the taking up of animals going astray and water crafts and other articles of value adrift," approved Feb. 15, 1841;

No. 23—An act to amend an act entitled, "an act concerning proceedings in ejectment and for the relief of occupying claimants of land," approved Jan. 13, 1831;

No. 31—An act applying certain funds to purposes of education;

No. 44—An act supplemental to the act entitled, "an act to provide for keeper of the State House and Library," approved Feb. 2d, 1841;

No. 45—An act for the further relief of the purchasers of the Seminary lands in the counties of Gibson and Monroe;

No. 56—An act to provide for selecting petit jurors in Hendricks county, and for other purposes;

No. 58—An act to amend an act entitled, "an act to revise and amend an act incorporating Congressional townships and providing for public schools therein," approved Feb. 17, 1838, approved Feb. 15, 1841;

No. 59—An act to repeal the act entitled, "an act to provide for the settlement of suspended claims for labor on the public works," approved Feb. 15, 1841;

In which the concurrence of the House of Representatives is respectfully requested.

I am also instructed to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives entitled as follows:

No. 9—An act to incorporate the first Presbyterian Church of Logansport;

No. 25—An act to repeal an act entitled "an act to incorporate the town of Princeton;"

No. 26—An act to incorporate the Greenville Band of Musicians;

No. 33—An act to amend an act, entitled, an act for the promotion of schools and education in Clark's Grant, approved February 15, 1838;

No. 35—An act for the relief of Charles Purcell, late collector of Posey county;

No. 40—An act for the relief of Nancy Close, wife of Samuel Close deceased;

No. 45—An act to change a certain State road in Monroe county;

No. 49—An act to regulate the jurisdiction of justices of the peace in the county of Dubois;

And also a joint resolution, No. 41—To provide for distributing the acts of Congress deposited in the office of the Secretary of State; All without amendment.

Bills No. 12, 44, 56, 58, mentioned in the first of said messages, were each read a first time and passed to a second reading.

No. 23, mentioned in said message, was read a first and second times, (the rules being suspended,) and referred to the judiciary committee.

No. 31, mentioned in said message, was read a first and second times, (the rules being suspended,) and referred to the judiciary committee.

No. 45, mentioned in said message, was read a first and second times, (the rules being suspended,) and referred to the same committee.

No. 59, mentioned in said message, was read a first and second times, (rules suspended,) and referred to the committee on canals and internal improvements.

Mr. Goodhue moved to re-consider the vote on the adoption of a resolution, allowing James H. Elliott ninety-two dollars, as clerk of the investigating committee.

On this question the ayes and noes were demanded by Messrs. Montgomery and Henley.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Brown of M., Chapman of H., Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of F., Davis of S., Defrees, Devin, Dunbar, Edwards, Foley, Foulk, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Hackleman, Harding, Hodges, Howard, Hutton, Lee, Leslie, Lingle, May, McAlister, Meeker, Montgomery, Murray, Norvell, Ogden, O'Neill, Peak, Quick, Rnd, Rannels, Rawlings, Reed, Robinson of R., Runyon, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Thompson of N. and L., Tisdale, Townsend, Whight, Wines of A., and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Brown of D., Chapman of L., Chrisman, Deming, Gorman, Grover, Hannegan, Hendricks, Henley, Lawrence, Matheny, Marshall, Milliken, Mitchell, Monroe, Myres, Nelson, Poulson, Robinson of C., Saffer, Snook, Thompson of F., Williamson, and Yocum—24.

So the vote on said resolution was re-considered.

Mr. Davis of F. moved to strike out 92 dollars, in said resolution, and insert 70 dollars.

And on this motion, Messrs. Davis and Goodhue demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of M., Bowers, Bradley, Chapman of H., Clements, Cogswell, Cooper, Davis of F., Davis of S., Defrees, Devin, Edwards,

Gooderow, Goodhue, Graham, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Meeker, Montgomery, Murray, Ogden, Peak, Rand, Rannells, Rawlings, Robinson of R., Runyon, Saunders, Sinks, Snoddy, Stratton, Thompson of N. and L., Tisdale, and Townsend—38.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Brown of D., Chapman of L., Chrisman, Clark, Cooley, Coon, Cotton, Deming, Dunbar, Foley, Garrigus, Gilbert, Gorman, Grover, Hannegan, Hendricks, Hoobler, Hutton, Lawrence, Lingle, Marsh, Marshall, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Poulson, Quick, Reed, Ritchey, Robinson of C., Rooker, Saffer, Sayler, Shively, Shoup, Snook, Thompson of F., Whight, Williamson, Wines of A., Yocum, and Mr. Speaker—51.

So said motion did not prevail.

The question then recurring on the adoption of the resolution:

And the ayes and noes being demanded by Messrs. Davis of F. and Goodhue,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Brown of Dearborn, Brown of Marion, Chapman of Laporte, Chrisman, Clark, Cogswell, Cooley, Coon, Cotton, Davis of Sullivan, Deming, Dunbar, Foley, Garrigus, Gilbert, Gorman, Grover, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Marshall, Matheny, May, McAllister, Millikin, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Rannells, Reed, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Warriner, Williamson, Wines of Allen, Yocum and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Chapman of Hancock, Cooper, Davis of Floyd, Defrees, Devin, Edwards, Foulk, Goodenow, Goodhue, Graham, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Meeker, Montgomery, Murray, Ogden, Peak, Rawlings, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Thompson of Noble, Tisdale, Townsend and Whight—38.

So said resolution was adopted.

PETITIONS WERE PRESENTED,

By Mr. Robinson of Carroll, of citizens of Carroll county, in relation to water power at Pittsburg in said county;

Referred to a select committee of Messrs. Robinson of C., Grover and Sayler.

By Mr. Grover of citizens of Washington township, Carroll county, asking that said township be attached to Cass county;

Which was laid on the table.

By Mr. Marshall, of one hundred persons of Jefferson county, relative to fugitives from labor;

Which was laid on the table.

Also, of one hundred and one persons of the same county, in relation to a change of the law relative to crime and punishment, &c.;

Referred to the judiciary committee.

By Mr. Myers, the remonstrance of citizens of Knox county, in relation to vacating a certain State road;

Referred to the committee on roads.

By Mr. Runyon, of citizens of Kosciusko county, in relation to the county seat of said county;

Referred to a select committee of Messrs. Runyon, Bearss, Murray, Warriner and Thompson of Noble.

By Mr. Brown of Dearborn, of citizens of Dearborn county, concerning the revenue system, the State bonds and internal improvements;

Referred to the committee of ways and means.

By Mr. Rand, of citizens of Dearborn county, on the same subject;

Referred to the same committee.

By Mr. Gilbert, of certain citizens of Delaware county, praying relief for George O. Shafer;

Referred to a select committee of Messrs. Gilbert, Butler and Rooker.

By Mr. Hutton, of citizens of Putnam county, in relation to a road and gateways;

Referred to the committee on roads.

Mr. Graham, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the certificates of elections from the different counties, have examined the same, and report that the following persons are duly elected representatives to the State Legislature:

From the county of

Allen—Marshall S. Wines.

Adams and Jay—Robert D. Tisdale.

Bartholomew—Tunis Quick.

Boone—John Chrisman.

Clark—Thomas J. Henley and John S. Simonson.

Crawford—John Edwards.

Clinton—M. Z. Sayler.

Clay—Francis B. Yocum.
Cass—Nicholas D. Grover.
Carroll—Andrew L. Robinson.
Dubois—John Poulson.
Delaware—Goldsmith C. Gilbert.
Dearborn—James Rand, Ethan A. Brown and James P. Milliken.
Decatur—James Saunders.
Daviess—Richard A. Clements.
Elkhart—William B. Mitchell.
Fayette—Minor Meeker and Wilson Thompson.
Floyd—John S. Davis.
Fulton, Marshall and Stark—William Rannels.
Franklin—George G. Shoup and John T. Cooley.
Fountain—Edward A. Hannegan.
Gibson—Joseph Devin.
Grant—James S. Shively.
Greene—John F. O'Neill.
Henry—Robert M. Cooper and Joel Reed.
Harrison—Frederick Leslie and William H. Saffer.
Hamilton—Francis B. Cogswell and William D. Rooker.
Hancock—James P. Foley and Joseph Chapman.
Hendricks—William Townsend.
Huntington, Wells and Blackford—Elias Murray.
Jackson—Ezekiel L. Dunbar.
Jennings—James Goodhue.
Jefferson—Joseph G. Marshall, Archibald Lawrence and Samuel Goodenow.
Johnson—James Ritchey.
Knox—John Myers.
Kosciusko and Whitley—Peter L. Runyon.
Laporte—John H. Bradley and Joseph W. Chapman.
Lawrence—R. G. Norvell and John J. Barnett.
Lagrange and Noble—John Thompson.
Martin—Cager Peak.
Madison—Thomas M'Allister.
Morgan—Francis A. Matheny.
Montgomery—John Nelson, John Barnett and Henry T. Snook.
Monroe and Brown—Willis A. Gorman.
Marion—William J. Brown and Israel Harding.
Miami and Wabash—Daniel R. Bearss.
Orange—Henry Lingle.
Owen—Martin Snoddy.
Parke—Jeptha Garrigus and Pratt Frink.
Putnam—George Percy, Jr. and Albert G. Hutton.
Perry—Robert G. Cotton.
Pike—Alvan T. Whight.
Porter and Lake—Lewis Warriner.
Posey—Arza Lee.
Rush—William C. Robinson and Pleasant A. Hackleman.
Randolph—Robert W. Butler.

Ripley—Henry J. Bowers.
Steuben and De Kalb—Madison Marsh.
Spencer—John Proctor.
Scott—Aaron Rawlings.
Shelby—John Hendricks.
Sullivan—John W. Davis and Justus Davis.
St. Joseph—John D. Defrees.
Switzerland—Samuel Howard.
Tippecanoe—James P. Ellis and Elizur Deming.
Union—Jeremiah Williamson and Daniel Ogden.
Vanderburgh—Amos Clark.
Vermillion—John Hoobler.
Vigo—William Wines and John Hodges.
Washington—Henry C. Monroe and George May, Jr.
Warrick—Christopher C. Graham.
Wayne—William R. Foulk, Daniel Stratton and Daniel Sinks.
Warren—William G. Montgomery.
White, Jasper, Benton and Pulaski—William Coon.

Mr. Marshall, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred a bill of the House, No. 134, entitled, a bill repealing an act creating and prescribing the duties of county auditor, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its indefinite postponement.

On the question of the postponement of said bill, the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Brown of D., Brown of Marion, Chapman of L., Chrisman, Clark, Clements, Cogswell, Coon, Cooper, Davis of F., Defrees, Deming, Dunbar, Foley, Foulk, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Henley, Hodges, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marshall, McAlister, Meeker, Mitchell, Montgomery, Murray, Myers, Nelson, Ogden, Quick, Rawlings, Reed, Robinson of C., Robinson of R., Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snook, Stratton, Thompson of F., Thompson of N. and L., Tisdale, Townsend, Warriner, Williamson, and Wines of A.—64.

Those who voted in the negative were,

Messrs. Chapman of H., Cooley, Cotton, Davis of S., Devin, Edwards, Gorman, Hannegan, Hendricks, Howard, Lee, Marsh, Math-

eny, May, Milliken, Monroe, Norvell, O'Neill, Peak, Poulson, Rand, Rannells, Ritchey, Snoddy, Whight, Yocum, and Mr. Speaker—27.

So said bill was indefinitely postponed.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill of the House, entitled, a bill to repeal an act defining the duties of petitioners for re-locating seats of justice, and for other purposes, approved Feb. 4, 1841, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and recommend its indefinite postponement.

And said bill was accordingly indefinitely postponed.

Mr. Marshall, from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill of the House, No. 80, entitled, a bill to amend an act entitled an act relative to fugitives from labor, approved Jan. 22, 1824, have had that subject under consideration, and have directed me to report the same back to the House with one amendment, and ask its passage.

The undersigned, members of the judiciary committee, dissent from the above report of a majority.

WM. J. BROWN,
ED. A. HANNEGAN,
WILLIS A. GORMAN.

Mr. Norvell moved that said bill be indefinitely postponed.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Hoobler moved the previous question;

Which was not seconded.

Mr. Henley moved to lay the bill on the table;

And on this question the ayes and noes were demanded by Messrs. Gorman and Bradley,

Those who voted in the affirmative were,

MESSRS. Barnett of Montgomery, Brown of Dearborn, Brown of Marion, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cotton, Davis of Floyd, Davis of Sullivan, Dunbar, Edwards, Foley, Garrigus, Gilbert, Goodhue, Gorman, Graham, Grover, Hannegan, Hendricks, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, May, McAllister, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Quick, Rand, Rannells, Rawlings, Ritchey, Robinson of Carroll, Sayler, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Whight, Yocum and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Chapman of Hancock, Chapman of Laporte, Cooper, Defrees, Deming, Devin, Foulk, Goodenow, Hackleman, Hodges, Lee, Marshall, Matheny, Meeker, Milliken, Montgomery, Murray, Ogden, Reed, Robinson of Rush, Runyon, Saffler, Saunders, Shively, Shoup, Sinks, Stratton, Tisdale, Williamson and Wines of Allen—33.

And so said bill was laid on the table.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

No. 31, an act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo;

No. 169, an act for the relief of the heirs of Daniel Larimore, deceased;

No. 61, an act for the relief of Patrick Rush;

No. 58, an act for the relief of Patrick Eagan;

All of which originated in the House of Representatives.

The following message was received from the Senate by Mr. Parker, a member:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof entitled,

No. 79, an act to re-organise the State Board of Equalization, and for other purposes;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 79, mentioned in said message, was read a first time, when

Mr. Leslie moved to reject said bill;

And upon this question Messrs. Foley and Shoup demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of Sullivan, Dunbar, Garrigus, Gilbert, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, M'Allister, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rawlings, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Snoddy, Snook, Thompson of Noble, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Clark, Cooley, Cooper, Cotton, Davis of Floyd, Defrees, Deming, Devin, Edwards, Foley, Foulk, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Marshall, Meeker, Milliken, Montgomery, Murray, Ogden, Quick, Rand, Rannels, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend and Williamson—45.

And so said bill was rejected.

Mr. Dunbar, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution of the House, instructing them "to inquire into the expediency of so amending the school law as to authorise the legal voters of any school district to establish therein a female school, in addition to the district school which female school so as aforesaid established, should partake of the benefits of the school fund: *Provided*, That no female teacher should be employed in such school without first producing to the trustees of such school district, such certificate of qualification as is required by law in other cases," have had the subject under consideration, and have directed me to report the following bill :

No. 188, a bill to establish female district shools in certain cases ;

Read a first time and passed to a second reading.

Mr. Gorman, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House in relation to amending the proviso in the last part of the first

section of an act to provide for the selection of grand and petit jurors, approved January 25th, 1841, so as to insert the word "traverse" before the word "jurors," have had that subject under consideration, and have directed me to report a bill :

A bill to amend an act entitled an act to provide for the selection of grand and petit jurors, approved January 25, 1841.

Read a first time and passed to a second reading.

Mr. Ritchey, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution of this House, directing an inquiry into "*what amendments are necessary to the law regulating the duties of school commissioner, so as to fix an adequate punishment for the delinquencies of such school commissioners, for not making their report to the Treasurer of State, and if any amendments are necessary, to report a bill to that effect,*" after due deliberation, have directed me to report that, as it is not made the duty of school commissioners to report to the Treasurer of State by the law regulating their duties the committee think no amendment inflicting an adequate punishment on persons, for *not doing what they are not required to do*, is necessary ; and not believing that a failure to report where no report is required by law, can be considered a *delinquency*, they ask to be discharged from the further consideration of the subject.

Which was concurred in, and the committee discharged.

Mr. Ritchey, from the same committee, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of M. Averill, school commissioner, and others, of Lagrange county, complaining that the duties required of him are too arduous for the compensation he receives, and praying that said compensation be increased, &c., have considered the subject, and directed me to report that they think no legislation necessary on the subject, and ask to be discharged from its further consideration.

And said committee was accordingly discharged.

Mr. Grover, from the committee on military affairs, made the following report :

MR. SPEAKER :

The committee on military affairs, to whom was re-committed the bill of the House, No. 115, relative to the distribution of the public arms, have had the same under their consideration, and have directed me to report the bill back to the House, amended by adding a third

section, and respectfully to ask the concurrence of the House in said amendment.

The amendment was concurred in, and then said bill passed.

Mr. Montgomery, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of Oliver Saunders and others, in relation to a certain bridge, have had the subject under consideration, and directed me to report the accompanying bill, in compliance with the request of the petitioners :

No. 190—a bill to amend an act entitled, an act to authorize certain individuals therein named, to build a bridge across the Kankakee river, at Sherwood's, in Porter county ;

Read a first time and passed to a second reading.

Mr. Bradley, from the select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the bill to provide for the election of prosecuting attorneys by the people, have had the same under consideration, and have directed me to report the same back with one amendment ; striking the said bill out from the enacting clause, and inserting the following bill, and to ask that the committee be discharged from the further consideration thereof :

No. 191—a bill to provide for the election of prosecuting attorneys by the people ;

Read a first and second times, (the rules being suspended,) laid on the table, and 200 copies order to be printed.

Mr. Garrigus, from a select committee, made the following report :

MR. SPEAKER :

The select committee to which was referred a resolution of this House, requiring said committee to inquire into the expediency of repealing the third and fourth sections of an act to provide for a better regulation of the Indiana University, approved Feb. 15, 1841, have had that subject under consideration, and have examined the sections proposed to be repealed, and are unanimously of the opinion that the provisions contained in said sections are calculated to give exclusive rights to a certain privileged and fortunate class of community not enjoyed by the great body of the people. Your committee are clearly of opinion that in this boasted land of liberty, the son of the wealthy nabob of the south, or the rich merchant or professional man of our own State, should be made amenable to the laws, and not be permitted to enjoy privileges denied to the son of the humblest citizen of the State, whose poverty may close the doors of our State university against him. Whilst your committee wish to extend the

fostering hand of the State to uphold and sustain our institutions of learning, they do not wish to see the fortunate sons of wealth, who are the inmates of such institutions, exempted from punishment for the commission of either crime or trivial breaches, and that there should be no city of refuge in or near a college where any portion of the people of Indiana may flee and violate the laws with impunity ; they have therefore directed me to report the following bill, and recommend its passage :

No. 192—a bill to repeal part of an act to provide for a better regulation of the Indiana University, &c. ;

Read a first time and passed to second reading.

Mr. Grover made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Cass county, praying for the passage of a law, prohibiting voters from voting in any other township than the one in which said electors actually reside, have had that subject under consideration, and have directed me, in accordance with the prayer of the petitioners, to report the following bill, and respectfully to recommend its passage.

No. 193—a bill relative to the places of voting in the several counties in this State ;

Read a first time and passed to a second reading.

Mr. Foulk made the following report :

MR. SPEAKER :

The select committee to whom was referred Senate bill, No. 22, entitled, an act to amend an act to incorporate the Richmond Trading and Manufacturing Company, have had the same under consideration, and direct me to report the same back to the House, with the following amendment, and recommend its adoption ;

Which amendment was concurred in, and the bill read a third time and passed.

Mr. Shoup, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the engrossed bill of the Senate, for the relief of certain persons therein named, No. 29, have had the same under consideration, and they have made two amendments thereunto, in which they ask the concurrence of the House, and recommend its passage.

And said bill was then ordered to be engrossed for a third reading.

Mr. Myers reported the following bill :

No. 194—a bill exempting the Vincennes fire company from working roads ;

Read a first time and passed to a second reading.
The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JAN. 5, 1842.

The House met according to adjournment.

PETITIONS WERE PRESENTED,

By Mr. Hannegan, the memorial of John Evans and Isaac Fisher, in relation to the establishment of an asylum for the insane;
Referred to the committee on education.

By Mr. Mitchell, of school commissioner and trustees of Elkhart county, relative to school section in township 36 north, range 6 east;
Referred to a select committee of Messrs. Mitchell, Marsh and Runyon.

Also, a remonstrance of citizens of Elkhart county against a stay law;

Which was laid on the table.

Also, of citizens of Elkhart county, for a re-location of a State road from Mishawaka, St. Joseph county, to Syracuse, Kosciusko county;
Referred to the committee on roads.

Mr. Hannegan asked and obtained leave to offer the following resolution:

Resolved, That the Hon. William Hendricks be invited to take a seat in this Hall during his present visit to Indianapolis;

Which was unanimously adopted.

Mr. Montgomery, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House of Representatives No. 124, entitled a bill to incorporate the Wabash Bridge Company, in the county of Huntington, have had the same under consideration, and made several amendments thereto, in which they have directed me to ask the concurrence of the House, and recommend the passage of the bill.

The amendments were concurred in and the bill ordered to be engrossed for a third reading.

Mr. Montgomery, from the same committee, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the House of Representatives No. 126, entitled "a bill to incorporate the White River Manufacturing Company, in Daviess and Knox counties, have had the same under consideration, and made two amendments thereto, in which they have directed me to ask the concurrence of the House, and recommend the passage of the bill.

Which amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Cotton made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution to inquire into the expediency of changing the time of holding courts in the fourth judicial circuit, have had the same under consideration, and have directed me to report by bill:

No. 195, a bill fixing the time of holding courts in the fourth judicial circuit;

Read a first time and passed to a second reading.

Mr. Gorman made the the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House No. 140—a bill for the relief of Hugh and Robert Stuart; have had the same under their consideration, and have directed me to report; that in the opinion of your committee the legislature intended by the passage of the law, referring such matters to the arbitration and award of disinterested and competent engineers, with power given to the two that might be chosen by the parties to choose a third, that their award should be final. And it seems to your committee that the intention of the legislature in giving them this power to choose a third person, shows conclusively that the third was supposed to be necessary in case of a disagreement, and that the award of the majority should be final, and that a strict adherence to justice and good faith on the part of the State, demands that the allowance awarded should be paid.

Mr. Wines moved to recommit said bill to the judiciary committee, with the following instructions:

Whereas, Messrs. Clements & Roddick contractors on section No. 101, and Messrs. McBay & Gallagher contractors on section No. 91, both on the Southern division of the central canal, made application to the board of public works for an arbitration under the law of last winter, entitled an "act to provide for the settlement of suspended claims for labor on the public works:"

And Whereas, Robert Logan contractor for section 90, and Luce & Hargrave contractors for section 100, both on the Southern divi-

sion, Central Canal, have heretofore made application for relief and whose claims have some foundation in justice with others:

And Whereas, our board of public works have in violation of law and in disregard of justice, refused to adjust said claims by arbitration:

Therefore be it enacted, That the commissioner having charge of the Southern division of the Central Canal, or his successor in office, be authorized and required to settle and pay the different contractors on sections 90, 91, 100 and 101, the same per cent above the estimate of Messrs. Fisher, Morris & Moore, as was allowed to Messrs. H. & R. Stuart, by Messrs. Stealy & Eastin, a majority of arbitrators appointed for that purpose under the law referred to in the preamble of this act.

SEC. 2. *And be it further enacted*, That the board having charge of the public works of this State be required, on the application of any contractor or contractors, forthwith to cause to be re-measured and re-estimated by some competent engineer, at the expense of the State, the work specified in such application; and such engineer shall hear testimony as to the expense of doing such work, and shall be governed in all things by such testimony and the equity of the case, and shall make out his estimate accordingly.

SEC. 3. *And be it further enacted*, That such estimate as contemplated by the second section, covered with the draft of the acting commissioner, shall be paid in five dollar treasury notes, and the auditor and treasurer of State are hereby authorised to prepare as heretofore directed by law, any amount of treasury notes that may be required by the provisions of this act.

SEC. 4. This act to be in force from and after its passage.

Which motion was lost.

The bill was then ordered to be engrossed for a third reading.

Mr. Milliken made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Theodore Gazley and others, praying for an additional term of court in Dearborn county, have had the same under consideration, and instructed me to report a bill:

No. 196, a bill to authorise an additional term of court in Dearborn county;

Read a first time and passed to a second reading.

Mr. Sayler made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House granting pre-emption rights, have had the same under consideration, and have directed me to report it back with one amendment, which is,

to strike it out from the enacting clause and insert the following, and recommend its passage.

Said bill was then referred to the committee on canals and internal improvements.

Mr. Chrisman made the following report:

MR. SPEAKER:

The committee to which was referred a bill of the House, No. 153, entitled a bill to authorise the appointment of a commissioner in Lebanon, Boone county, for certain purposes therein named, have, according to order, had the same under consideration, and directed me to report it back to the House with one amendment, to-wit: strike out from the enacting clause and insert the following, and recommend its passage;

Which was concurred in and the bill ordered to be engrossed for a third reading:

Mr. Thompson of Fayette, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was committed a petition of sundry citizens of Franklin county, praying for a law confining voters to their own township, have had that subject under consideration, and directed me to report the following bill:

No. 197, a bill restricting voters to their own township;

Read a first time and passed to a second reading.

Mr. Goodhue made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Fleming Hughbanks, praying for a divorce, have had the same under consideration, and a majority of said committee have directed me to report, that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same.

The committee were then discharged.

On motion of Mr. Leslie,

Resolved, That the committee on claims be instructed to inquire into the expediency of allowing widows out of their deceased husbands estates, (in addition to their present allowance,) one years provision for themselves and children, for which they shall not be bound to account, with leave to report by bill or otherwise.

On motion of Mr. Foley,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to this House pointing out the manner in which administrators and executors shall advertise the

taking out of letters of administration or testamentary when granted in vacation of the proper probate courts, where no newspaper is published in the county in which such letters shall have been granted.

Mr. Deming offered the following resolution:

Resolved, That the committee on education be instructed to ascertain from the treasurer of State and from the State Bank, the present situation and amount of the saline fund, and the Bank school tax, and whether also, in their opinion the income arising from the same, ought not to be appropriated by law to the colleges at South Hanover, Crawfordsville and Green Castle, to aid in the gratuitous instruction for teachers of common schools, and if the above named funds be applied to the purpose of educating teachers for common schools, that the faculties of said colleges organize a specific department for said purpose to be under the particular direction and supervision of the Presidents of said colleges, and that each county in the State of Indiana have the privilege of sending a certain number of students to said colleges, and that said students shall be recommended by the boards of commissioners of the different counties where said students reside.

Which was not adopted.

On motion of Mr. Milliken,

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of making it the duty of the board of directors of each branch of the State Bank, to publish every two or three months, in the nearest news paper, a statement of the business and condition of their respective branches, so that the public may at all times know the solvency of the several branches.

Mr. Poulson offered the following resolution.

Resolved, That the committee on military affairs, be emphatically instructed to inquire into the expediency of reporting a bill declaring that those who entertain conscientious scruples of bearing arms in defence of their country, be deemed squaws, and deprived of the privilege of male citizens.

Mr. Bradley moved to strike out, "military affairs," and insert a select committee;

Which prevailed.

On motion of Mr. Hannegan,

Said resolution was laid on the table.

On motion of Mr. Edwards,

WHEREAS, the law regulating the duties of county surveyors, compels them to re-locate corners of land where the original corners stood: and whereas, it appears that many of the original corners are lost by decay or other means, and that half the distance between two other corresponding corners will not at all times give the original corners,

Therefore, *Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the law, regulating county surveyors, as to point out some definite mode of establishing corners of land where the same are lost by decay or otherwise.

Mr. Robinson of Carroll, offered the following resolution,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting to this House, a bill altering the execution law, so as to allow to execution-debtors personal property to the amount of two hundred dollars, which shall be exempt from execution.

Which was not adopted.

On motion of Mr. Hendricks,

Resolved, That a committee be appointed to inquire into the reasons (if any) why moneys due this State from the General Government, known as the three per cent. fund, has not been duly paid, and report the facts to this House.

Messrs. Hendricks, Peak, Davis of S., Chapman of H., and Gilbert were appointed said committee.

Mr. Quick offered the following resolution:

Resolved, That the committee of ways and means be requested to inquire into the expediency of so amending the law, that on all contracts made after the first day of May, 1842, where judgments shall be obtained on the same, there shall be no stay of execution, but execution shall issue in all cases as heretofore, and under the same laws now regulating writs of fieri facias, with leave to report by bill or otherwise.

Which was not adopted.

Mr. Stratton offered the following resolution:

Resolved, That the committee on education inquire into the expediency of allowing school examiners compensation for their services as such, to be paid by the teacher examined; and report thereon by bill or otherwise.

Which was not adopted.

Mr. Shoup offered the following resolution:

Resolved, That the committee on the judiciary be, and are hereby instructed to inquire into the expediency of so changing the jurisdiction of the superior courts, that judgments obtained in said courts shall not bind real property until the facts of the rendition thereof shall be certified to the Clerks of the Circuit Courts in the counties in which said land may be situated.

Which was not adopted.

On motion of Mr. Clements,

Resolved, That the committee on agriculture inquire into the expediency of establishing by law premiums on silk grown and manufactured within the limits of this State; and report by bill or otherwise.

Mr. Leslie offered the following resolution:

Resolved, That the committee on roads be instructed to report a bill to this House to repeal the fourteenth section of an act entitled, an act to amend an act entitled an act relating to roads and highways, approved February 24th, 1840.

Which was not adopted.

Mr. O'Neill offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to repeal so much of the law

as requires the boards doing county business to allow Clerks of Circuit Courts seventy dollars for their extra services; and that they report by bill or otherwise.

Which was not adopted.

On motion of Mr. Devin,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of extending to the late collectors of State and county revenue the provisions of the 22d section of an act entitled an act prescribing the duties of County Treasurers, approved Feb. 12th, 1841, so as to authorize them to collect such balances as they may have paid into the State and County Treasuries out of their own funds.

On motion of Mr. Defrees,

Resolved, That hereafter the House will take up the orders of the day at 2 o'clock, P. M., on each day when they are not reached in the regular order of business in the proceedings of the House.

On motion of Mr. Bradley,

Resolved, That a select committee be appointed to inquire into the expediency of uniting the Circuit and Probate Courts in one Court, and of increasing the circuits to such number as can be done without causing greater expense than is now incurred by the State for both of said courts; and of requiring said Court to sit in each county three terms in each year; one term thereof if necessary, to be held without a jury; and to report by bill or otherwise.

Mr. Whight offered the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill to this House repealing all laws authorizing the election of County Auditor in all those counties which have less than fifteen hundred polls, and providing that all the duties enjoined by the law now in force upon County Auditors shall be discharged by the Clerks of the Circuit Courts in the counties not having that number of polls.

Which was not adopted.

JOINT RESOLUTIONS AND BILLS INTRODUCED.

By Mr. Mitchell; No. 198, a joint resolution relative to the harbor of St. Joseph on Lake Michigan;

Read a first time, and passed to a second reading.

By Mr. McAlister; No. 199, a joint resolution to suspend the operations of a certain law, therein named;

The rules were suspended, and said joint resolution read three several times and passed.

Mr. Marshall moved to take from the table,

Bill No. 96—For the relief of contractors on the Madison and Indianapolis railroad;

Which was agreed to.

Mr. Marshall moved to amend said bill as follows:

Strike out the word contract at the end of first section; original contract, or any subsequent contract or arrangement by which the prices

in the original contract were reduced, or made payable in any thing other than money, adding interest for the delay in making payment.

On motion of Mr. Davis of F.,

Said bill and proposed amendment were laid on the table.

Mr. Bradley moved to suspend previous orders of the day and take up

Bill No. 123—Entitled, "An act fixing the times of holding courts in the 9th judicial circuit;"

Read a second time, considered engrossed, read a third time and passed, (the rules being suspended for that purpose.)

BILLS INTRODUCED.

By Mr. Poulson; No. 200: a bill to amend an act entitled an act declaring Patoka a public highway;

Read a first time and passed to a second reading.

By Mr. Myers; No. 201: a bill to amend an act entitled, an act to subject real and personal estate to execution, approved Feb. 4th, 1831,

Read a first and second times, (rules suspended) and referred to the Judiciary committee.

By Mr. Thompson of F.; No. 202: a bill providing for the reduction of the per diem allowance of members of the General Assembly of this State;

Read a first time, and passed to a second reading.

By Mr. Murray; No. 203: a bill to vacate the town of Richardville;

Read a first time and passed to a second reading.

The following message was received from the Senate by Mr. Maguire, their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled,

No. 13—An act to repeal parts of a certain act therein named;

In which I am directed to ask the concurrence of the House of Representatives.

Bill No. 13, mentioned in said message, was then read a first time and passed to a second reading.

BILLS ON SECOND READING.

No. 12 of the Senate—An act to amend an act entitled, an act to regulate the taking up of animals going astray, &c.;

Read a second time, and referred to a select committee of Messrs. Stratton, Garrigus and Howard.

No. 44—A bill supplemental to the act entitled, an act to provide for keeper of the State House and Library:

Mr. Bradley moved to amend the bill so as to permit all reputable citizens to have access to the State Library;

On motion of Mr. Hodges,

Said bill and proposed amendment were laid on the table.

No. 56—A bill to provide for selecting petit jurors in Hendricks county, and for other purposes.

Mr. Montgomery moved to amend said bill by striking out the third section;

Which did not prevail.

Mr. Garrigus moved to lay the bill on the table;

Which did not prevail.

On motion of Mr. Henley,

Said bill was considered as engrossed, and read a third time.

On motion of Mr. Montgomery,

Said bill was laid on the table.

No. 58—A bill to amend an act to revise and amend an act incorporating congressional townships, and providing for public schools therein, &c.;

Read a second time, and referred to the Judiciary committee.

HOUSE BILLS.

No. 170—A bill amendatory to an act concerning clerks, approved Jan. 20, 1831;

No. 173—An engrossed bill to amend an act entitled an act to amend and revise an act to incorporate the several townships in the county of Dearborn;

No. 174—A bill to attach an additional school district to congressional township No. 5, south of range No. 8, west, in Warrick county;

No. 175—A bill to change the mode of selecting petit jurors in Lawrence county, and for other purposes;

Which bills were each read a second time, and ordered to be engrossed for a third reading.

No. 171—A bill to amend an act entitled, an act to amend an act, &c., to provide for distributing so much of the surplus revenue of the U. S., as the State of Indiana may be entitled to, &c.;

Read a second time, and referred to the Judiciary committee.

The Speaker laid before the House a communication from M. Morris, Auditor public accounts, in reply to a resolution of this House, asking information in relation to tract books;

Which was referred to the investigating committee on that subject, raised on yesterday.

No. 172—A bill relative to the suspended debt due the State;

Which was referred to the same select committee to which a similar subject had been referred.

No. 177—An engrossed bill to repeal an act vesting the sinking, saline, college and surplus revenue, and state bank funds into bank stock;

Read a second time, when

Mr. Defrees moved to refer it to the Judiciary committee,

And upon this question, Messrs. Henley and Ritchey demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Brown of D., Chapman of L., Clark, Clements, Cooper, Cotton, Davis of F., Defrees, Deming, Edwards, Foley, Foulke, Frink, Gilbert, Goode-now, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marsh, Marshall, Meeker, Montgomery, Murray, Ogden, Quick, Rannels, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Shively, Sinks, Stratton, Tisdale, Williamson, Wines of A.—46.

Those who voted in the negative were,

Messrs. Bowers, Brown of M., Butler, Chapman of H., Chrisman, Cogswell, Cooley, Coon, Davis of S., Devin, Dunbar, Garrigus, Gor-man, Graham, Hannegan, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of C., Saffler, Sayler, Shoupe, Snoddy, Snook, Thompson of F., Thomp-son of N., Townsend, Warriner, Whight, Yocum and Mr. Speaker—48.

So said bill was not so referred.

Mr. Robinson of R., from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have com-pared the enrolled with the engrossed bill of the Senate, and find the same truly enrolled, to-wit:

No. 45—An act to provide for the distribution of the Laws of Con-gress to the several counties in this State.

Mr. Cotton, from the committee on Enrolled Bills, made the follow-ing report:

MR. SPEAKER:

The joint committee on Enrolled Bills have compared the following engrossed with the enrolled bills of the Senate, and find them correctly enrolled, to-wit:

No. 49—An act to declare a county road, therein named a State road;

No. 16—An act to amend an act incorporating the town of Greens-burgh, approved Feb. 4th, 1837;

No. 51—An act declaring a certain name a misprint;

No. 52—An act declaring a certain road therein named, a public highway;

No. 39—An act for the relief of the heirs and administrator of the estate of Cornelius A. Dumaree, deceased;

No. 57—An act to repeal an act entitled an act to amend an act

entitled an act incorporating a Seminary in the county of Gibson, and for other purposes, approved Feb. 13th, 1841.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

THURSDAY MORNING, JAN. 6th, 1842.

PETITIONS WERE PRESENTED,

By Mr. Robinson of C., of citizens of the Miami Reserve, praying for the formation of the county of Richardville, &c.,

Which was referred to a select committee of Messrs. Robinson of C., Bearss, Sayler, Brown of M. and Shively.

By Mr. Mitchell, a remonstrance of citizens of Elkhart county against the passage of a stay law;

Which was referred to the Judiciary committee.

On motion of Mr. Mitchell,

A remonstrance presented by him on yesterday, on this subject, and laid on the table,

Was taken up and referred to the same committee.

By Mr. McAlister, of citizens of Madison county against a State Board of Equalization; also,

Of citizens of Madison county in favor of a stay law;

Both of which were referred to the Judiciary committee.

By Mr. Coon; of citizens of the county of Benton, asking the appointment of a commissioner to locate the seat of justice for said county;

Which was referred to a select committee of Messrs. Coon, Montgomery, and Thompson of N.

Mr. Marshall, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to which was referred a resolution of this House directing an inquiry into the expediency of providing by law for legalising the proceedings of the several probate courts of this State; and, also, a resolution inquiring into the expediency of amending the law so that the offences of retailing spiritous liquors, horse-racing, card-playing and other species of similar crime shall come under the jurisdiction of justices of the peace; and, also, a resolution di-

recting an inquiry into the expediency of so amending the law regulating the duties of grand jurors, so that prosecuting witnesses shall pay the costs in case the prosecution fails; and, also, a resolution directing an inquiry into the expediency of so amending the law that the board of county commissioners shall determine what number of jurors shall be summoned for each term of the court, have had these subjects under consideration, and have directed me to report, that it is inexpedient to legislate on either of these subjects at this time, and ask to be discharged from the further consideration thereof;

Which was concurred in, and the committee discharged.

Mr. Hannegan, from the same committee, reported back to the House Senate bill No. 28, for the relief of borrowers of school and surplus revenue funds;

Which was laid upon the table.

Mr. Hannegan, from the same committee, reported back House bill No. 44, a bill for the relief of the borrowers of the surplus revenue and other funds, with amendments, which were concurred in, the bill ordered to be engrossed for a third reading, (the rules were then suspended) and read a third time and passed.

Mr. Gorman, from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution in relation to reporting a bill allowing mechanics to peddle out their own articles of manufacture in this State, have had the same under consideration, and directed me to report, that, to their knowledge, there is no law now in force in this State requiring any such persons to procure such a license, except for wooden clocks, and that, therefore, it is inexpedient to legislate on that subject.

On motion,

Said report and resolution were laid on the table.

Mr. Marshall, from the judiciary committee, made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred a resolution of this House directing an inquiry into the expediency of providing by law that debtors may give judgment bonds, on which the clerks of the several circuit courts may enter up judgment in vacation; and, also, a resolution directing an inquiry into the expediency of providing that jurors' and witnesses' fees before justices of the peace, remaining on hand one year, to be paid over for the use of the poor, have had these subjects under consideration, and have directed me to report that it is inexpedient to legislate on these subjects, and ask to be discharged from the further consideration thereof;

Which was concurred in, and the committee discharged.

of the House of Representatives. I am instructed to ask the concurrence of the House.

Mr. Dunbar moved to refer bill No. 25, mentioned in said message to a select committee.

Mr. Chapman of Hancock moved to lay said bill on the table;
Which motion was lost.

The question recurring on the motion of Mr. Dunbar to commit to a select committee,

Messrs. Ritchey and Chapman of Hancock demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Chapman of Hancock, Clark, Cooley, Davis of Floyd, Devin, Dunbar, Goodenow, Goodhue, Hackleman, Howard, Leslie, Marsh, May, Mitchell, Montgomery, Nelson, Rand, Rawlings, Ritchey, Runyon, Sayler, Shoup, Snoddy, Thompson of Noble, Warriner, Wines of Allen, and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Marion, Butler, Chrisman, Clements, Cogswell, Coon, Cooper, Cotton, Davis of Sullivan, Defrees, Deming, Edwards, Foley, Frink, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Lingle, Marshall, Matheny, McAlister, Meeker, Milliken, Monroe, Murray, Myers, Norvell, Ogden, O'Neill, Peak, Poulson, Quick, Rannels, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Shively, Sinks, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Whight, Williamson and Yocum—61.

And the bill was not committed.

Mr. Brown of Marion moved to concur with the amendments of the Senate with the following amendment:

"Whenever any personal property shall be levied on by an execution in the hands of any officer, and the same fails to sell under the provision of this act, and the execution defendant failing or neglecting to give a delivery bond, the officer shall proceed to sell the same at not less than two-thirds its appraised value, on a credit of one hundred and twenty days, and in such case the officer shall take bond from the purchaser with approved security, and such bond shall be filed with such justice or the clerk of the court on the return of the execution, and such justice or clerk shall issue execution on such bond at the expiration of such time."

Mr. Hannegan moved the previous question;

Which was seconded by the House.

The question then put was, Shall the main question be now put? and passed in the affirmative.

The main question was then put, to-wit: Shall the House concur with the amendments of the Senate?

And upon this question Messrs. Hannegan and Hoobler called the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Defrees, Deming, Dunbar, Edwards, Foley, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Lingle, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Quick, Rand, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Whight, Williamson, Wines of Allen, Yocum and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Clark, Davis of Floyd, Devin, Foulk, Goodhue, Hackleman, Howard, Leslie, May, Monroe, Ritchey, Runyon, Tisdale, Warriner—16.

And so the House concurred in the amendments of the Senate.

No. 38—the amendment to said bill mentioned in said message was concurred in.

The following message was received from the Senate by Mr. Maguire their secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof entitled,

No. 106—An act to amend the several acts now in force incorporating the Lawrenceburgh Bridge Company;

In which the concurrence of the House is respectfully requested.

No. 106 mentioned in the above message was read three several times and passed, (the rules being suspended for that purpose.)

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled,

No. 48—an act for the relief of Samuel D. Gresham, collector of Carroll county;

No. 60—an act to repeal so much of a law, passed Feb. 15, 1841,

as provides for converting the college fund into bank stock, and other matters therein contained;

No. 68—an act to amend an act, entitled, “an act pointing out the mode of levying taxes,” approved Feb. 12, 1841;

No. 70—an act authorising the State Treasurer to collect and pay over to the counties of Dekalb, Wells, and Lake, that portion of the surplus revenue to which the same are entitled;

No. 72—an act for the relief of the heirs of Robert Blair, deceased;

No. 77—an act to amend an act entitled, “an act for the regulation of the State Prison,” approved Feb. 3, 1841;

No. 78—an act to amend an act entitled, an act to incorporate the Indiana Mutual Fire Insurance Company, approved Jan. 30, 1837;

No. 80—an act to amend certain acts therein named;

No. 81—an act repealing so much of the revenue laws, approved Feb. 12, 1841, as relates to the travelling fees of county treasurers;

No. 82—an act to change the mode of doing county business in the county of Daviess;

In which several bills, I am directed to request the concurrence of the House of Representatives.

Nos. 60, 68, 70, 72, 80, 82, mentioned in the said message, were each read a first time, and passed to a second reading.

No. 48, mentioned in said message, was read a first and second times, (the rules being suspended) and ordered to be engrossed for a third reading.

No. 77, mentioned in the last message, was read a first and second times, (the rules being suspended) and referred to the committee on the State Prison.

No. 78, mentioned in the last message, was read a first and second times, (the rules being suspended) and referred to the committee on corporations.

No. 81, mentioned in the last named message, was read a first and second times, (the rules suspended) and referred to the committee of ways and means.

RESOLUTIONS.

Mr. Graham moved to re-consider the vote on the resolution of Mr. O'Neill, of yesterday:

Which prevailed.

The resolution was then adopted.

On motion of Mr. Runyon,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill to this House, authorising the State to receive from the Lawrenceburgh and Indianapolis railroad company, Indiana State bonds, for which the State have received a full consideration to the amount of \$221,180, being the amount of mortgages received by the State from said company for state bonds, the same to be received dollar for dollar, and report by bill or otherwise.

On motion of Mr. Lawrence,

Resolved, That the committee of ways and means be instructed to inquire into the propriety of employing the Reverend J. B. Stewart, professor of phrenology, to examine the heads of all the fund commissioners, now living in this State; the heads of all persons who have been, or now are immediately concerned in carrying on our glorious system of public works; the heads of all governors of the State, who have at any time recommended the system; the heads of those who may, at any time, have recommended the prosecution of our blessed system, based upon the sale of public lands west of the Rocky Mountains; but especially, to examine most minutely, the heads of Noah Noble, Milton Stapp, and Jesse L. Williams, and give true charts of character, so that this House and all concerned, may know, without the possibility of a mistake, who is most competent to fleece the State without detection, in order to release the committee of investigation from the most irksome and unpleasant labors; which labors, however well intended, and however faithfully pressed by said committee, must end in *fog* and non-effects, inasmuch as the devil himself could not keep pace with the officers of the State of Indiana for the last few years.

Mr. Defrees moved to include the mover of the resolution;

Which was agreed to.

Mr. Cooper moved to include all the members from the county of Henry;

Which was consented to.

Mr. Hodges moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Hackleman moved to refer the resolution to a select committee of one;

Which was agreed to; and

Mr. Lawrence was appointed said committee.

On motion of Mr. Sinks,

Resolved, That the auditor of State be requested to furnish to this House the names of all the clerks employed by the last Legislature, the services rendered by each, and the compensation received therefor. Also, furnish to this House the names of all the clerks employed by the different committees, the time each was employed, and the compensation received therefor.

On motion of Mr. Hodges,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of so changing the law as to make the personal property of all agents, executors, administrators, and guardians liable for taxes for any real estate they may have the control of.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

Mr. Ogden asked and obtained leave to present a petition of citizens of Union county, on a subject therein named;

Which was referred to a select committee composed of the delegation from Union, Wayne, and Fayette counties.

Mr. Stratton presented a remonstrance of citizens of Wayne and Union counties, on the same subject;

Referred to the same committee.

Mr. Mitchell asked and obtained leave to make the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of the school commissioner and trustees of Elkhart county, report that they have had the matter under consideration, and present a bill granting the prayer of the petitioners.

No. 206—a bill for the relief of James R. McCord;

Read a first time and passed to a second reading.

Mr. Robinson of Carroll reported the following bill:

No. 207, a bill incorporating the Delphi Storage and Forwarding Company;

Read a first and second times (the rules being suspended) and referred to the committee on corporations.

No. 13 of the Senate, a bill to repeal parts of a certain act therein named;

Read second time and ordered to be engrossed for a third reading.

HOUSE BILLS.

No. 178, an engrossed bill to repeal part of the act entitled an act to provide in part for the payment of the interest on the public debt, &c.

Mr. Bradley moved to commit it to the committee of ways and means;

Which motion did not prevail.

The question being on the engrossment of the bill, Messrs. Rawlings and Defrees demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of H., Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, M'Allister, Milliken, Mitchell, Monroe, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Saylor, Shoup,

Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Davis of Floyd, Defrees, Deming, Devin, Edwards, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, Meeker, Montgomery, Murray, Ogden, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Shively, Sinks, Stratton, Tisdale, Townsend and Williamson—45.

On motion of Mr. Brown of Dearborn,

Bill No. 142, providing for the payment of a debt due to the State Bank, and for the resumption of specie payments, was made the order of the day for Monday next.

No. 179, a bill to amend an act regulating the duties and jurisdiction of justices of the peace, &c.

Mr. Cooper moved to lay it on the table;

Which was lost.

The bill was then ordered to be engrossed for a third reading.

No. 180, a bill to repeal part of an act entitled an act regulating the salary of auditor, secretary and treasurer of state.

Mr. Gorman moved to strike out so much as relates to the salary of the treasurer.

Mr. Dunbar moved to refer said bill to the judiciary committee;

Which prevailed.

The following message was received from the Senate by Mr. Farquhar, their assistant secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has concurred in the resolution of the House of Representatives, providing for an adjournment of the General Assembly on Monday the 31st instant.

A message was received from the Senate by Mr. Bright, a member.

No. 181, an engrossed bill concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay and De Kalb;

Which was read a second time and ordered to be engrossed for a third reading.

Mr. Bradley moved to suspend previous orders of the day, and take up bill No. 191, providing for the election of prosecuting attorneys by the people.

On motion of Mr. Henley,

Said bill was committed to a committee of the whole House, and made the order of this day now.

The House resolved itself into a committee of the whole on said

bill, Mr. Montgomery in the chair; and after some time spent therein the committee rose and Mr. Montgomery reported that the committee had the subject under consideration and had made some amendments, in which he was directed to ask the concurrence of the House.

The amendments of the committee were then jointly concurred in. Mr. Robinson of Rush made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with engrossed bills of the House of Representatives, and find the same truly enrolled, to-wit:

No. 63, an act for the relief of Samuel Snoddy of Monroe county;

No. 82, an act in relation to granting license in the county of Marion.

Mr. Cotton made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled, to-wit:

No. 9, an act to incorporate the first Presbyterian church in Logansport;

No. 25, an act to repeal an act entitled an act to incorporate the town of Princeton;

No. 26, an act to incorporate the Greenville Band of Musicians;

No. 33, an act to amend an act entitled an act for the promotion of schools and education in Clark's Grant, approved February 15, 1838;

No. 35, an act for the relief of Charles Purcell, late collector of Posey county;

No. 40, an act for the relief of Nancy Close, wife of Samuel Close, deceased;

No. 41, a joint resolution to provide for distributing the acts of congress deposited in the office of secretary of state;

No. 45, an act to change a certain state road in Monroe county;

No. 49, an act to regulate the jurisdiction of justices of the peace in Dubois county.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JAN. 7, 1842.

The House met according to adjournment.

The following message, received from the Senate on yesterday, by Mr. Davis, a member thereof, was taken up:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed engrossed bill of the Senate No. 83, repealing the State Board of Equalization, in which the concurrence of the House of Representatives is respectfully requested.

No. 83, mentioned in said message, was read a first time and passed to a second reading.

Mr. Leslie moved to suspend the rules and read said bill a second time;

Which motion did not prevail.

The following message, received from the Senate, on yesterday, by Mr. Bright, a member thereof, was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bill:

No. 123—an act giving further time to assessors;

In which I am requested, respectfully to ask the concurrence of the House.

No. 123, mentioned in said message, was read a first time, and passed to a second reading.

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House of Representatives, entitled,

No. 74—an act to legalize the marriage of Wm. Gapen and Malinda G. Moore;

No. 101—an act to locate a State road;

The first named with, and the last named without amendment.

Also, engrossed bills of the Senate, entitled as follows:

No. 85—a bill to legalize the election and official acts of the probate judge of Fulton county;

No. 86—an act to extend the time of holding probate courts in the counties of Jefferson and Washington;

No. 69—an act re-organizing the several judicial circuits in the State of Indiana:

No. 94—an act to legalize the election and official acts of probate judge of the county of St. Joseph, Indiana;

No. 99—an act to fix the fees of sheriffs in certain cases therein mentioned;

In which bills of the Senate, and amendment to the bill of the House, the concurrence of the House of Representatives is respectfully requested.

Nos. 85, 86, 94, 99, mentioned in said message, were each read a first time, and passed to a second reading.

No. 69, mentioned in said message, was read a first and second times, (the rules being suspended) and referred to the same select committee to which a similar subject was referred.

PETITIONS WERE PRESENTED

By Mr. Robinson of C., of the citizens of Carroll county, against the present law authorising the granting of licenses to taverns and groceries, &c.

Referred to the judiciary committee.

By Mr. Foulk, of citizens of Wayne county, on the subject of the culture of silk;

Which was referred to a select committee of Messrs. Foulk, Dunbar, and Wines of V.

By Mr. Hannegan, of citizens of Fountain county, asking relief to purchasers of certain school lands;

Referred to the judiciary committee.

By Mr. Davis of Sullivan, Clay, and Greene counties, in relation to a State road therein named;

Referred to a select committee of Messrs. Davis of S., Yocum, and O'Neill.

Also, of citizens of Vigo and Sullivan counties, in relation to State

Also, the remonstrance of citizens of the same counties, on the same subject;

Which were referred to a select committee of Messrs. Davis of S., O'Neill, and Hodges.

By Mr. Novell, a memorial of citizens of Lawrence county, asking the Legislature of this State to instruct our senators in Congress to vote for the repeal of the bankrupt law;

Which was referred to the committee on federal relations.

By Mr. Clark, of citizens of Vanderburgh county, on the same subject;

Which was referred to the same committee.

By Mr. Henley, of Samuel Starkweather and other citizens of Utica, Clark county, on the same subject;

Which was referred to the same committee.

By Mr. Wines of A., of citizens of Allen county, and stockholders of the Branch Bank at Fort Wayne, on the subject of the debt due said bank, by the State;

Referred to the committee on the State Bank.

By Mr. Quick, of citizens of Bartholomew county, for an additional justice of the peace in Haw-creek township, in said county;

Referred to a select committee of Messrs. Quick, Goodhue, and Rawlings.

By Mr. Barnett, of citizens of Lawrence county, on the subject of a State road in said county;

Referred to the committee on roads.

By Mr. Saffer, two several petitions of citizens of Harrison county, for the location of a State road; and, also, a remonstrance of citizens of the same county, against said road;

All of which were referred to the committee on roads.

By Mr. Leslie, of citizens of Harrison county, against the repeal of a law authorizing the location of a certain State road therein named;

Referred to a select committee.

Mr. Marshall, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill No. 147, entitled an act to amend an act regulating the practice in suits at law, approved January 29, 1831, have had it under consideration, and directed me to report it back with an amendment, which is, to strike it out from the enacting clause and insert the following bill;

Which amendment was concurred in, and,

On motion of Mr. Bradley,

Re-committed to the judiciary committee, with the following instructions:

That the bill be re-committed with instructions so to amend as to allow two years hereafter in which to commence suits on all causes of action heretofore accrued and now existing.

Mr. Robinson of Carroll made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Richardville county, praying to have that county organised, have had that subject under consideration, and have directed me to report the following bill upon that subject, and recommend its passage:

No. 208, a bill defining the southern boundary of Miami county, and to organise the county of Tipton;

Read a first and second times and referred to a select committee composed of the delegations of the adjoining counties to said county of Tipton.

Mr. Stratton made the following report:

Mr. SPEAKER :

The select committee to which was referred the Senate bill No. 12, entitled "an act to amend an act entitled an act to regulate the taking up of animals going astray, and water crafts and other articles of value adrift," approved February 15, 1841, have had the same under consideration, and have made some amendments thereto, in which they ask the concurrence of the House, and recommend its passage.

Which amendments were concurred in.

Mr. Milliken made the following report :

Mr. SPEAKER :

The select committee to whom was referred a petition of the commissioners of Dearborn county, in relation to a bridge across South Hogan creek, have had the same under consideration, and, as it involves questions of law, have instructed me to report it back to the House, and ask to be discharged from the further consideration thereof, and ask the reference of the whole subject to the committee on the judiciary.

The committee was then discharged and the petition referred to the judiciary committee.

Mr. Chapman of Laporte made the following report :

Mr. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of the counties of Laporte, Porter and Lake, relative to the location of a state road therein, have had the same under consideration, and directed me to report the following bill and recommend its passage :

No. 209, a bill for the location of a state road in the counties of Porter, Lake and Laporte ;

Read a first time and laid on the table.

Mr. Gilbert made the following report :

Mr. SPEAKER :

The select committee to which was referred the petition of George W. Shafer and others, asking further relief in relation to a certain contract, have had that subject under consideration, and have directed me to report, that in their opinion, the petitioners can have the relief prayed for by application to the board doing county business, without the necessity of any legislation on the subject ; they therefore ask to be discharged from any further consideration of the subject.

The committee was discharged accordingly.

Mr. Coon made the following report :

Mr. SPEAKER :

The committee to whom was referred a petition of sundry citizens of Benton county, on the subject of re-locating the seat of justice of said county, have had said petition under consideration, and directed me to report the following bill :

No. 210, a bill for the location of the seat of justice in the county of Benton ;

Read a first time and passed to a second reading.

Mr. Barnett of Lawrence made the following report :

Mr. SPEAKER :

The select committee to whom was referred the petition of Elizabeth Ann McConahay, and also the petition of Jonathan Prosser and others, on the same subject, and also the affidavit of Zechariah Burton appended to said petitions, have had the same under consideration, and after mature deliberation have unanimously agreed to report the following bill and recommend its passage :

No. 211, a bill declaring a divorce in a certain case therein named, and for other purposes ;

Read a first time and passed to a second reading.

RESOLUTIONS.

On motion of Mr. Clements,

Resolved, That a select committee of five be appointed by the chair to inquire into all the facts in regard to the operations on the Madison and Indianapolis Railroad since the passage of an act for the immediate relief of contractors and others, filed in the office of the Secretary of State February 15, 1840, and whether or not the officers of State paid treasury notes to contractors who did not suspend operations in obedience to that law, and report the result of such investigation to this House.

Messrs. Clements, Ritchey, Marshall, Hackleman and Hannegan were appointed said committee.

Mr. Poulson offered the following resolution :

Resolved, That the committee on Ways and Means report to this House without delay, the amount which will be necessary to defray the current expenses of the Government for the present year; and also, the amount required to pay the interest on treasury notes, which will be redeemable within the same period;

Which was not adopted.

On motion of Mr. Runyon,

Resolved, That the Auditor of State be requested to communicate to this House, at as early a day as practicable, the additional amount of lands that is subject to taxation in the different counties in this State under the now existing revenue laws, over and above those heretofore

assessed in said counties under the former revenue laws of this State, according to the abstract returns of the different county auditors that is made and to be made by them on or before the 15th day of January, 1842, in compliance with an act of the last General Assembly, stating at the same time the number of acres in each county, and the time the same became subject to taxation, or as near said time as possible; also, the average appraised value of all lands subject to taxation in each county in this State;

Which was adopted.

Mr. Norvell offered the following resolution:

Whereas, There has been passed by this House, an act to abolish imprisonment for debt, and that it is important to compel all debtors to render proper schedules of their property; It is therefore—

Resolved, That the Judiciary committee be instructed to report a bill compelling debtors to render, on oath, a schedule of all their property, both real and personal, at any time when such shall be made necessary for the faithful compliance with their contracts;

And be it further Resolved, That if in any such case they commit perjury, that they shall be subject to the pains and penalties prescribed by the laws of crime and punishment;

Which was not adopted.

On motion of Mr. Milliken,

Resolved, That a select committee be appointed to inquire into the expediency of so amending the law describing the duties of county Treasurers, that it be made the duty of the Treasurers of the counties of Dearborn and Switzerland to collect the township assessments for the same per cent. that the law allows for collecting that of the county;

Messrs. Milliken, Rand and Howard, were appointed said committee.

On motion of Mr. Whight,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of reporting a bill to this House providing for the raising by voluntary enlistment of one or more light companies in each county in this State, and for the safe keeping and preservation of public arms: and to provide for the repeal of the 1st and 2nd sections of an act entitled, "An act for the better regulation of the militia of the State of Indiana, approved Feb. 24th, 1840;" with leave to report by bill or otherwise;

Which was adopted.

On motion of Mr. Snook,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of introducing a bill defining the duties of the clerks and county auditors;

Which was adopted.

On motion of Mr. Williamson,

Whereas, The compensation allowed by law to the trustees of county seminaries, depends upon the quantity of the seminary funds on hand; And whereas, in counties where said funds have been expended in the erection of a seminary edifice, said trustees are deprived

of all compensation for their services, or they must make by-laws to that effect, Therefore—

Resolved, That a committee of three be appointed to inquire what amendment is necessary to the law in relation to county seminaries, for the better regulation of the same;

Messrs. Williamson, Peak, and Thompson of N., were appointed said committee.

Mr. Frink offered the following resolution:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill to repeal so much of an act entitled, an act establishing a county treasurer, as requires merchants to obtain a license for selling foreign merchandise; with leave to report by bill or otherwise;

Which was not adopted.

BILLS AND JOINT RESOLUTIONS.

By Mr. Chapman of H.; No. 212, a bill to facilitate proceedings in actions at law;

By Mr. Myers; No. 213, a bill for the stay of execution;

By Mr. Peake; No. 220: a bill declaring a certain name a misprint, and for other purposes;

By Mr. Coon; No. 221, a bill to amend an act entitled, an act to establish seats of justice in new counties, &c.;

Which bills were each read a first time, and passed to a second reading.

By Mr. Sayler; No. 214, a bill to amend an act locating a certain state road therein named;

By Mr. McAlister; No. 215, a bill for the relief of Samuel H. Bratton;

Which bills were each read a first and second times, (the rules being suspended,) and ordered to be engrossed.

By Mr. Hoobler; No. 216, a bill reducing the salaries of Associate Judges;

Read a first time and passed to a second reading.

By Mr. Shoup; No. 217, a bill to prevent the use or adoption of county seminaries as a district school house, and for other purposes;

Read a first and second times, (the rules being suspended,) and referred to the committee on education.

By Mr. Clements; No. 218, a bill to amend an act entitled, an act to incorporate the trustees of the Daviess county seminary, &c.;

Read a first and second times, (the rules being suspended,) and referred to the Judiciary committee.

By Mr. Williamson; No. 219, a bill to amend an act entitled, an act, relating to public roads and highways, &c.;

Read a first and second times, (the rules being suspended,) and referred to the committee on roads.

By Mr. Bradley; No. 222, a bill to amend an act relative to crime and punishment, &c.;

Read a first and second times, (the rules being suspended,) and referred to the Judiciary committee.

Mr. Thompson of F. moved to reconsider the vote of yesterday on the engrossment of bill

No. 178—A bill to repeal a part of the act entitled, an act to provide in part for the payment of the interest on the public debt, &c.;

And on this question, the ayes and noes were demanded by Messrs. Bradley and Hackleman.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Chapman of L., Clark, Clements, Cooley, Cooper, Cotton, Davis of S., Deming, Devin, Edwards, Foley, Foulke, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, May, Meeker, Montgomery, Murray, Myers, Nelson, Ogden, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Shively, Sinks, Snook, Stratton, Thompson of F., Tisdale, Townsend, Williamson, Wines of A. and Wines of V.—55.

Those who voted in the negative were,

Messrs. Brown of M., Butler, Chapman of H., Chrisman, Cogswell, Coon, Davis of S., Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Monroe, Norvell, O'Neill, Peak, Ritchey, Robinson of C., Saffer, Sayler, Snoddy, Thompson of N., Warriner, Whight, Yocum and Mr. Speaker—37.

So said vote was reconsidered.

Mr. Chapman of H. moved a call of the House;
The House refused to call.

Mr. Bradley moved to postpone indefinitely, said bill,

And upon this question the ayes and noes were called by Messrs. Bradley and Chapman of H.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Clark, Clements, Cooley, Cooper, Cotton, Davis of F., Deming, Devin, Edwards, Foley, Foulke, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Shively, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of A., and Wines of V.—47.

Those who voted in the negative were,

Messrs. Bowers, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Cogswell, Coon, Davis of S., Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Rand, Ritchey, Robinson of C., Saffer, Sayler, Shoup, Snoddy, Snook, Thompson of F., Thompson of N., Warriner, Whight, Yocum and Mr. Speaker—46.

So said bill was indefinitely postponed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met according to adjournment.

Mr. Milliken moved to reconsider the vote on the passage of No. 106—A bill to amend several acts now in force incorporating the Lawrenceburgh Bridge company;

Which motion prevailed:

Said bill was then referred to a select committee of Messrs. Milliken, Rand, and Brown of D.

Mr. Leslie moved to suspend the previous orders of the day, and take up bills on third reading;

Which was agreed to.

The House accordingly proceeded to the consideration of

BILLS ON THIRD READING.

No. 13; bill of the Senate—A bill to repeal parts of a certain act, therein named;

Read a third time, and recommitted to a select committee of Messrs. Graham, Brown of M., and Robinson of C.

Mr. Graham moved to refer said bill to a select committee;

Which prevailed:

Messrs. Graham, Brown of M., and Robinson of C., were appointed said committee.

No. 152—A bill for the relief of Huntington county;

Read a third time and passed.

SENATE BILLS.

No. 25—A bill to legalize the election of Mason Palmer, formerly Justice of the Peace of Daviess county;

No. 29—A bill for the relief of certain persons therein named;

No. 43—A bill to amend an act relating to county seminaries, &c.;
 No. 48—A bill for the relief of Samuel D. Grisham, collector of Carroll county;

Which bills of the Senate were each read a third time and passed.

No. 35; Senate bill—A bill to amend an act regulating the mode of doing county business in the several counties in this State;

Mr. Saffer moved to commit the bill to the committee on Agriculture with instructions to make the language plain, so as to be understood as applying to the county of Owen alone;

Which was agreed to.

HOUSE BILLS ON THIRD READING.

No. 87—A bill supplemental to an act to authorize certain persons therein named, to erect a dam across the east fork of White river, &c.;

No. 111—A bill changing the mode of doing county business in the county of Clay;

No. 112—A bill to limit the jurisdiction of Justices of the Peace in Hendricks county;

No. 114—A bill extending the provisions of an act entitled, an act for the relief of settlers on Wabash and Erie canal lands;

No. 115—A bill declaring a road from Winslow, Pike county, to Boonville, in Warrick county, a state road;

No. 16—A bill supplemental to an act entitled, an act for the revision of the laws, &c.;

No. 117—A bill to provide for the sale of lands belonging to minors;

No. 118—A bill to prevent the forfeiture of school lands, and for other purposes.

No. 121—A bill to repeal an act for the preservation of sheep, &c.;

No. 124—A bill to incorporate the Wabash Bridge company;

Which bills were each read a third time, and passed.

Mr. Hannegan moved to suspend the previous orders of the day, and take up bill

No. 42—To abolish imprisonment for debt;

Which motion was agreed to.

The question being on concurring with the amendments of the Senate, the first question put was, Will the House concur with the first amendment of the Senate?

And upon this question the ayes and noes were demanded:

Those who voted in the affirmative were,

Messrs. Barnett of L., Bowers, Chrisman, Cogswell, Cooper, Davis of F., Edwards, Foulke, Goodenow, Goodhue, Hackleman, Harding, Howard, Leslie, Lingle, May, Montgomery, Ogden, Quick, Rannells, Rawlings, Reed, Rooker, Saffer, Saunders, Shoup, Sinks, Stratton, Tisdale, Williamson—30.

Those who voted in the negative were,

Messrs. Barnett of M., Bradley, Butler, Chapman of H., Chapman of L., Clark, Clements, Cooley, Coon, Davis of S., Deming, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of C., Sayler, Shively, Snoddy, Snook, Thompson of F., Thompson of N., Townsend, Warriner, Whight, Wines of A., Wines of V., Yocum and Mr. Speaker—60.

On the question, Will the House concur in the second amendment of the Senate? Messrs. O'Neill and Bowers demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bowers, Chapman of Hancock, Cooper, Davis of Floyd, Edwards, Foulk, Goodenow, Goodhue, Gorman, Hackleman, Howard, Hutton, Lee, Leslie, Lingle, May, Montgomery, Ogden, Quick, Rannells, Rawlings, Reed, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale and Williamson—30.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bradley, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Deming, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Lawrence, Marsh, Marshall, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Robinson of Rush, Saffer, Sayler, Shively, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Whight, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—62.

The House then refused its concurrence to the third and fourth amendments of the Senate to said bill.

So the House refused to concur in each of said Senate's amendments.

It was ordered that the Clerk inform the Senate thereof.

No. 126—A bill to incorporate the White River Manufacturing Company, &c.;

No. 127—A bill to amend an act pointing out the mode of levying taxes, &c.;

No. 131—A bill relative to water power at Delphi, Carroll county;

No. 132—A bill to amend an act entitled an act authorizing the appointment of constables, &c.;

No. 137—A bill to legalize the official acts of a Probate Judge in Wells county;

No. 138—A bill for the relief of the heirs and legal representatives of Martha Wilson, deceased;

No. 139—A bill to legalize the election held in Jackson township, Putnam county;

Were each read a third time and passed.

No. 128—Joint resolutions concerning the North Eastern Boundary;

Read a third time, and on the question, Shall the joint resolution pass? the ayes and noes were demanded by Messrs. Nelson and Monroe:

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Brown of M., Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Davis of Sullivan, Deming, Devin, Dunbar, Edwards, Gilbert, Gorman, Graham, Harding, Hendricks, Hodges, Hutton, Lawrence, Leslie, Lingle, Marsh, McAlister, Milliken, Montgomery, Murray, Myers, Norvell, Ogden, O'Neill, Proctor, Rand, Robinson of Carroll, Rooker, Runyon, Saffer, Sinks, Snoddy, Stratton, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Clark, Clements, Coon, Cooper, Davis of Floyd, Foley, Foulk, Frink, Garrigus, Goodenow, Goodhue, Grover, Hackleman, Hannegan, Henley, Howard, Lee, Matheny, May, Meeker, Mitchell, Monroe, Nelson, Peak, Poulson, Quick, Rannells, Rawlings, Reed, Ritchey, Saunders, Sayler, Shively, Snook, Tisdale, Whight, Williamson, Wines of Allen, Wines of Vigo and Yocum—42.

So said bill passed.

No. 129—A bill amendatory of an act regulating fees and salaries of the several officers and persons therein named, &c.;

Read a third time when,

Mr. Hackleman moved to commit it to the judiciary committee, with the following instructions:

Insert after the word "civil" the words "and criminal";

Which motion was lost.

The question recurring on its passage, the ayes and noes were demanded;

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan,

Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Matheny, May, McAlister, Meeker, Milliken, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Shively, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight, Williamson, Wines of Allen and Yocum—76.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Laporte, Clark, Devin, Dunbar, Goodhue, Hackleman, Leslie, Lingle, Marshall, Ogden, Robinson of Carroll, Saffer, Wines of Vigo and Mr. Speaker—15.

On motion of Mr. Gorman,

The title of said bill was amended so as to read, "a bill for the benefit of lawyers."

Mr. Saffer then moved a reconsideration of the above vote on the title of the bill;

Which motion prevailed.

The question recurring on the motion of Mr. Gorman to amend the title of said bill, the ayes and noes were demanded by Messrs. Saffer and Cogswell:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Marion, Chapman of Laporte, Clark, Cooper, Davis of Floyd, Devin, Dunbar, Goodhue, Gorman, Hackleman, Hannegan, Hendricks, Howard, Lawrence, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAlister, Norvell, Robinson of Carroll, Robinson of Rush, Saffer, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cotton, Davis of Sullivan, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Graham, Grover, Harding, Henley, Hodges, Hoobler, Hutton, Lee, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Ogden, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Runyon, Saunders, Sayler, Shively, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Whight and Yocum—59.

The original as the title of the bill was then agreed to.

No. 140—A bill for the relief of Hugh and Robert Stewart;

Read a third time when,

Mr. Wines of Allen moved to recommit it to the committee on canals and internal improvements, with the following instructions:

"Recommit the bill to the committee on canals, &c., with instructions to deduct \$1,712 12 from the amount wrongly awarded for washing down and spreading of embankment."

Pending this motion,

Mr. Poulson moved the previous question;

Which was seconded by the House.

The question first put was, Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill pass?

And on this question the ayes and noes were demanded by Messrs. Hannegan and Gorman:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Coon, Cotton, Davis of Sullivan, Deming, Dunbar, Frink, Gilbert, Goode-now, Gorman, Graham, Grover, Hannegan, Hendricks, Henley, Hoobler, Hutton, Marsh, Marshall, McAlister, Mitchell, Monroe, Myers, Nelson, O'Neill, Poulson, Proctor, Quick, Ritchey, Runyon, Saffer, Sayler, Snoddy, Snook, Warriner, Whight, Wines of Vigo, Yocum and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Chapman of Hancock, Cooley, Cooper, Devin, Foley, Garrigus, Hackleman, Harding, Hodges, Howard, Lawrence, Lee, Leslie, Lingle, Matheny, May, Meeker, Millikin, Montgomery, Ogden, Rand, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saunders, Shively, Sinks, Thompson of Noble, Tisdale, Townsend, William-son and Wines of Allen—38.

The Speaker laid before the House a communication from the Auditor of State, in reply to a resolution of this House in regard to the number and pay of clerks to the last legislature, &c.;

Which was referred to the committee of ways and means.

Mr. Robinson, from the committee on enrolled bills, made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his excellency the Governor for his approval and signature the following entitled bills and joint resolutions of the House of Representatives, to-wit:

No. 9—An act to incorporate the First Presbyterian Church of Logansport;

No. 25—An act to repeal an act entitled an act to incorporate the town of Princeton;

No. 26—An act to incorporate the Greenville Band of Musicians;

No. 33—An act to amend an act, entitled, an act for the promotion of schools and education in Clark's Grant, approved February 15, 1838;

No. 35—An act for the relief of Charles Purcell, late collector of Posey county;

No. 40—An act for the relief of Nancy Close, wife of Samuel Close deceased;

No. 41—A joint resolution to provide for distributing the acts of Congress deposited in the office of the Secretary of State;

No. 45—An act to change a certain State road in Monroe county;

No. 49—An act to regulate the jurisdiction of justices of the peace in the county of Dubois;

No. 63—An act for the relief of Samuel Snoddy of Monroe county;

No. 82—An act in relation to granting license in the county of Marion.

Mr. Robinson of Rush made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives and Senate and find the same truly enrolled, to-wit:

No. 25—An act supplemental to an act subjecting real and personal property to execution, approved February 4th, 1831;

No. 22—An act to amend the act entitled, an act to incorporate the Richmond Trading and Manufacturing Company;

No. 38—An act to amend an act entitled an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved Feb. 1, 1834.

Mr. Cotton, from the committee on enrolled bills, made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled, to-wit:

No. 74—An act to legalize the marriage of William Gapen and Malinda G. Moore;

No. 101—A bill to locate a state road.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

SATURDAY MORNING, JAN. 8, 1842.

The House met according to adjournment.

The Speaker laid before the House a communication from Samuel Merrill, Esq., president of the State Bank of Indiana, in obedience to a resolution of this House of the third inst., which was read; and,

On motion of Mr. Hannegan,

Referred to the committee on the State Bank, with instructions to inquire into the expediency of reporting measures to this House providing for the immediate winding up of said Michigan City Branch Bank.

On motion of Mr. Clark,

One thousand copies of said report, were ordered to be printed.

Mr. Marshall reported the following bill:

No. 223—a bill to provide for the continuation of the construction of all or any part of the public works of this State, and to abolish the board of public works, and the office of fund commissioner, &c.;

Read a first and second times, (the rules being suspended,) laid on the table, and ordered to be printed.

Mr. Leslie moved to suspend the previous orders of the day, and take up

No. 83—a bill to repeal the board of equalization, &c.;

Which prevailed.

The bill was then read a second time,

When, Mr. Hannegan moved that said bill be considered as engrossed, and read a third time now.

The ayes and noes were then demanded on the engrossment of said bill, by Messrs. Thompson of F. and Hackleman.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bowers, Butler, Chapman of L., Chrisman, Clements, Coon, Cotton, Davis of F., Davis of S., Devin, Dunbar, Edwards, Ellis, Frink, Garrigus, Gilbert, Gorman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Murray, Myres, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proctor, Rannels, Rawlings, Reed, Ritchey, Robinson of C., Rooker, Sayler, Shively, Snoddy, Snook, Thompson of N. and L., Townsend, Warriner, Whight, Wines of V., Yocum, and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Clark, Cooley, Cooper, Defrees, Deming, Foley, Foulk, Goodenow, Goodhue, Grover, Hackleman, Harding, Marshall, Meeker, Quick, Rand, Robinson of R., Runyon, Saunders,

Shoup, Sinks, Stratton, Thompson of F., Tisdale, Williamson, and Wines of A.—23.

So said bill was ordered to be engrossed.

Mr. Ritchey moved that the rules be suspended and the bill read a third time now;

Which motion was agreed to.

On the question,—Shall the bill pass?

The ayes and noes were demanded by Messrs. Thompson of F. and Hackleman.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Brown of M., Butler, Chapman of L., Chrisman, Coon, Cotton, Davis of F., Davis of S., Devin, Dunbar, Edwards, Ellis, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rannels, Rawlings, Reed, Ritchey, Robinson of Carroll, Rooker, Sayler, Shively, Snoddy, Snook, Thompson of N. and L., Townsend, Warriner, Whight, Wines of V., Yocum, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Clark, Cooley, Cooper, Defrees, Deming, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Marshall, Meeker, Milliken, Murray, Ogden, Quick, Rand, Robinson of R., Runyon, Saunders, Shoup, Sinks, Stratton, Thompson of F., Tisdale, Williamson, and Wines of A.—33.

So said bill passed.

PETITIONS WERE PRESENTED

By Mr. Hendricks, of citizens of Shelby county; and also of citizens of Decatur county, praying relief;

Which were referred to a select committee of Messrs. Hendricks, Bowers, Rand, Brown of M., and Runyon.

By Mr. Grover, of citizens of Logansport, praying the repeal of their city charter;

Which was referred to a select committee of Messrs. Grover, Montgomery, Bearss, Robinson of C., and Chrisman.

By Mr. Warriner, of citizens of Lake county, praying an act of the Legislature, legalizing certain acts of Solomon Russell, late collector of said county:

Referred to a select committee of Messrs. Warriner, Chapman of L., and Coon.

By Mr. Proctor, of the county commissioners of Spencer county, praying that certain acts of said commissioners be legalized;

Referred to a select committee of Messrs. Proctor, Cotton, and Edwards.

The following messages received from the Senate by Mr. Maguire, their Secretary, were taken up:

MR. SPEAKER:

The Senate has passed engrossed bills and a joint resolution, entitled as follows, viz:

No. 39—an act to amend an act to incorporate the Orange Guards;

No. 81—an act to provide for the election of a justice of the peace in the town of Jonesborough, in the county of Greene;

No. 92—an act to vacate a part of the town of Wilmington, in Clinton county;

No. 104—an act to locate a State road in Hancock and Hamilton counties;

No. 109—an act to provide for the election of a justice of the peace in Shielville, Hamilton county;

No. 10C—an act to vacate the town of Benton, in Hancock county;

No. 110—an act for the relief of the owners of certain lots in Indianapolis; and

No. 14—a joint resolution relative to Blackford's Reports in Lagrange and Hancock counties;

All without amendment.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled as follows, viz:

No. 73—an act to incorporate the White Water Valley Canal Company;

In which the concurrence of the House of Representatives is requested.

No. 73, mentioned in said message, was read a first and second times, (the rules being suspended).

Mr. Robinson, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House, No. 207, entitled, "a bill to incorporate the Delphi Storage and Forwarding Company," have had the same under consideration, and directed me to report the same back to the House with one amendment, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Graham, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred a bill of the Senate, "to repeal parts of a certain act therein named," have had the same under consideration, and have directed me to report the same back with the following amendments:

1st. Strike from the enacting clause, and insert the following:—"a compilation of said law."

2d. Strike out the title of the bill, and insert "a bill to prohibit the amalgamation of whites and blacks."

Which amendments were concurred in.

The question being on the passage of the bill,

Mr. Edwards moved to re-commit said bill, with the following instructions:

In fourth section, sixth line, strike out "ten," and insert "not more than one."

And in fourth section, end of first line, the word "knowingly;"

Which prevailed.

Mr. Montgomery moved to re-consider the above vote;

Which motion prevailed.

Mr. Brown of M. moved to amend the instructions, by striking out "one," and inserting "two;"

Which was lost.

Mr. Stratton moved to amend the instructions as follows:

That the clerks of the several circuit courts in this State shall, before issuing license, first take the affidavit of the man applying for the same, that he has no negro blood in him, and that the woman he is about to marry, has no negro blood in her; and upon such affidavit being made, the clerk shall issue license, and him nor any other person connected with such marriage, shall be liable under this act.

Which was not adopted.

Mr. Chapman of L., moved the following:

After the words "one-eighth part," the words "or more;"

Which was agreed to.

Mr. Harding moved to amend the instructions as follows:

That the committee be instructed to so amend the bill, that the imprisonment shall not be less than three years, nor more than ten years; which was lost.

Mr. Clark moved to amend the instructions as follows:

To strike out so much as relates to imprisonment in the penitentiary.

Pending this question, Mr. Henley moved the previous question;

Which was seconded by the House;

The question first put was,

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill pass?

And on this question the ayes and noes were demanded by Messrs. Brown of M., and Cogswell.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Brown of M., Chrisman, Cotton, Cogswell, Davis of F., Davis of S., Defrees, Devin, Dunbar, Garrigus, Gilbert, Graham, Hannegan, Harding, Henley, Howard, Hutton, Lawrence, Leslie, Lingle, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Norvell, O'Neill, Peak, Proctor, Rand, Robinson of C., Robinson of R., Runyon, Sayler, Snook, Thompson of F., Whight, Williamson, Wines of V., Yocum, and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Bradley, Chapman of L., Cooper, Clark, Clements, Cooley, Coon, Deming, Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hendricks, Hodges, Lee, Marsh, May, Myers, Ogden, Quick, Rannells, Rawlings, Reed, Rooker, Shively, Shoup, Sinks, Snoddy, Stratton, Thompson of N. and L., Tisdale, Warriner, and Wines of A.—41.

And so said bill passed.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Williamson moved to re-consider the vote on the passage of the "bill to prohibit the amalgamation of whites and blacks."

Mr. Hodges moved a call of the House;

Which was ordered.

Before the roll was called through,

On motion of Mr. Henley,

The further proceedings in said call were suspended.

The question recurring on re-considering, was decided in the affirmative.

The following message was received from the Governor, by his private Secretary, Mr. Keirsted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed the following acts:

No. 9—an act to incorporate the first Presbyterian Church of Logansport;

No. 26—an act to incorporate the Greenville Band of musicians;

No. 33—an act to amend an act, entitled, "an act for the promotion of schools and education in Clark's Grant," approved February 15, 1838;

No. 35—an act for the relief of Charles Purcell, late collector of Posey county;

Nr. 25—an act supplemental to "an act subjecting real and personal property to execution," approved Feb. 4, 1831;

No. 38—an act to amend an act, entitled, "an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Greene," approved Feb. 1, 1834;

No. 40—an act for the relief of Nancy Close, wife of Samuel Close, deceased;

No. 45—an act to change a certain State road in Monroe county;

No. 49—an act to regulate the jurisdiction of justices of the peace in the county of Dubois;

No. 63—an act for the relief of Samuel Snoddy, of Monroe county;

No. 25—an act to repeal an act, entitled, "an act to incorporate the town of Princeton;"

No. 82—an act in relation to granting license in the county of Marion; also,

No. 41—a joint resolution to provide for distributing the acts of Congress, deposited in the office of the Secretary of State.

All of which originated in the House of Representatives.

Mr. Shoup asked and obtained leave to offer the following resolution:

Resolved, That that the auditor of State be, and is hereby requested to lay before this House, the returns of the county auditors as far as they may have been received, showing the appraisement of the lands in the several counties, the number of acres, and the average value thereof;

Which was adopted.

Mr. Chapman moved that the House adjourn till Monday morning, 9 o'clock.

On this question, the ayes and noes were demanded by Messrs. Clements and Davis of F.

Those who voted in the affirmative were,

Messrs. Bradley, Chapman of L., Chrisman, Clark, Cooper, Cotton, Deming, Ellis, Foley, Foulk, Garrigus, Goodhue, Gorman, Graham, Grover, Hendricks, Henley, Lawrence, Leslie, Lingle, Marsh, Marshall, McAlister, Mitchell, Peak, Poulson, Proctor, Quick, Reed, Ritchey, Sayler, Sinks, Snoddy, Thompson of N. and L., Williamson, Wines of V., and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Brown of M., Butler, Clements, Cogswell, Cooley, Coon, Davis of F., Davis of S., Dunbar, Edwards, Frink, Harding, Hodges, Hoobler, Howard, Hutton, Lee, May, Meeker, Milliken, Monroe, Nelson, Ogden, O'Neill,

Rand, Rannels, Rawlings, Robinson of C., Robinson of R., Rooker, Shively, Shoup, Snook, Stratton, Thompson of F., Tisdale, Warriner, Whight, Wines of A., and Yocum—44.

So the House did not adjourn.

Mr. Ritchey moved that the House adjourn till Monday morning, 9 o'clock.

On this question, Mr. Gorman and Robinson of C. demanded the ayes and noes; ayes 46, noes 38.

And so the House adjourned till Monday morning, 9 o'clock.

MONDAY MORNING, JAN. 10, 1842.

The House met according to adjournment.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

I am directed to inform the House of Representatives that the Senate insists on its amendment to bill No. 42 of the House of Representatives, abolishing imprisonment for debt.

Mr. Hannegan moved that the House insist upon their disagreement to the amendment of the Senate abolishing imprisonment for debt, and that a committee of free conference be appointed on the part of the House to take into consideration the disagreeing matter between the two Houses ;

Which was agreed to.

Messrs. Hannegan and Gorman were appointed said committee on the part of the House.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has concurred in the amendment made by the House of Representatives to bill No. 12 of the Senate, entitled "an act to amend an act to regulate the taking up of animals going astray, and water craft, and other articles of value adrift," approved February 15, 1841.

The Senate has concurred in the first amendment of the House of Representatives to bill No. 29 of the Senate, entitled "an act for the relief of certain persons therein named," with an amendment; and in the second amendment of the House to said bill without amendment; in which amendment of the Senate to the second amendment of the House to the said bill I am directed to ask the concurrence of the House of Representatives;

Which amendment was concurred in.

PETITIONS WERE PRESENTED,

By Mr. Robinson of Carroll, two several petitions of citizens of Carroll county, on the subject of a new county; also, a remonstrance from citizens of the same county, on the same subject;

All of which were laid on the table.

By Mr. Mitchell, the remonstrance of citizens of Middlebury, Elkhart county, against the passage of a stay law;

Referred to the judiciary committee.

By Mr. Runyon, of citizens of Wabash and Kosciusko counties, praying for the establishment of a state road.

By Mr. McAllister, of citizens of Madison and Henry counties, praying for the establishment of a state road;

Referred to a select committee composed of the delegation of said counties.

By Mr. Leslie, of citizens of Harrison county, praying that the act for the protection of sheep may be made general;

Referred to the committee on agriculture.

By Mr. Grover, of citizens of Cass county, on a subject therein named;

Referred to the judiciary committee.

By Mr. Goodhue, two several petitions of citizens of Jennings county, praying an extension of the law for the preservation of sheep; also, a remonstrance of citizens of Jennings county, protesting against the passage of a law taxing dogs;

Referred to a select committee of Messrs. Goodhue, Rawlings and Quick.

By Mr. Cogswell, of citizens of Hamilton county, on subjects therein named;

Referred to a select committee of Messrs. Cogswell, Rooker and Quick.

By Mr. Warriner, a remonstrance of citizens of Lake county, against the location of a certain state road in said county;

Referred to the committee on roads.

By Mr. Foulk, of citizens of the town of Newport, Wayne county, asking the passage of an accompanying bill into a law;

Referred to the committee on corporations.

By Mr. Henley, of certain citizens of Charlestown, Indiana, asking that a part of said town be absolved from the obligations of the charter of said town;

Referred to the committee on corporations.

Also, of Joseph Pratt, one of the superintendents of the state prison, on a subject therein named;

Referred to the committee on the state prison.

By Mr. Rand, of citizens of Dearborn county, remonstrating against the repeal of the amendment to the South Hogan bridge charter;

Referred to the judiciary committee.

Mr. Chapman of Laporte made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of sundry citizens of Porter county, relative to amending the "act concerning insane persons," approved January 22, 1818, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 224, a bill to amend an act concerning insane persons ;
Read a first time, and passed to a second reading.

Mr. Garrigus made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a bill of the Senate No. 35, entitled "an act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State," approved February 15, 1840, have, according to order, had the same under consideration, made one amendment thereto, in which they ask the concurrence of the House;

Which amendment was concurred in.

Mr. Chapman of Hancock moved to amend the title of said bill as follows : Insert, "in the county of Owen alone ;"

Which was lost.

Mr. Montgomery made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill of the House of Representatives No. 184, entitled "a bill to authorise John Callahan to build a bridge across the mouth of Tanners' creek in Dearborn county, have had the same under consideration, and made several amendments thereto, in which they have directed me to ask the concurrence of the House, and recommend the passage of the bill.

Said bill was then ordered to be engrossed for a third reading.

Mr. Cogswell made the following report :

MR. SPEAKER :

The select committee to which was referred bill No. 208, defining the southern boundary of Miami county, and to organise Tipton county, have had the same under consideration, and have made three amendments, in which I am directed to ask the concurrence of the House, and recommend the passage of the bill.

Which amendments were concurred in and the bill ordered to be engrossed for a third reading.

Mr. Ogden made the following report :

MR. SPEAKER :

The committee to whom was referred the petition of sundry citizens of Philomath, praying of this legislature the formation of a school district, to embrace the said village of Philomath, as also a remonstrance of sundry citizens of the several school districts out of which such new district is proposed to be formed, have had the same under consideration according to order. They find sixteen names affixed to said petition, and fifty-three to the remonstrance, all purporting to have an interest in the proposition contained in the petition; they also find by an examination of the school law, that the township trustees have authority to form new school districts, &c. With these facts before them, the committee have come to the conclusion that it is inexpedient to legislate on the subject of the petition and have directed me to report accordingly, and ask that the committee be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Milliken made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill of the Senate in relation to the Lawrenceburgh Bridge Company, have had the same under consideration and have instructed me to report it back to the House with the following amendment, and ask its adoption.

The amendments were concurred in, and the bill passed.

Mr. Quick made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Haw-creek township, Bartholomew county, have had the same under consideration, and have directed me to report the following bill :

No. 225—A bill for the election of a justice in St. Louis, Bartholomew county;

Read a first time and passed to a second reading.

On motion of Mr. Brown of Marion,

Resolved, That the committee on ways and means be instructed to report to this House a bill to provide means for the assessment and collection of the revenue for 1841 in those counties that have failed or neglected to assess or collect the revenue for said year.

On motion of Mr. Brown of Dearborn,

Resolved, That the committee on the judiciary inquire what provisions by law are necessary in order to authenticate the execution and acknowledgement of deeds, power of attorney and other instruments in writing made and executed out of the United States; with leave to report by bill or otherwise.

Mr. Shoup offered the following resolution :

Resolved, That the committee of ways and means be requested to inquire into the expediency of repealing that part of the revenue law which subjects resident merchants to the payment of a license to vend foreign merchandise; and report by bill or otherwise;

Which was not adopted.

On motion of Mr. Bearss,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law to prevent persons charged with an offence against the criminal code of this State, conveying their property for the purpose of depriving the State of cost and fine, should they be convicted, and that the county in which the offence was committed shall hold a lien on so much of their property as will pay all cost and expenses; with leave to report by bill or otherwise.

On motion of Mr. O'Neill,

Resolved, That the President of the State Bank inform this House how much said State Bank and Branches made by the payment of current funds in Indiana to all those engaged as commissioners or otherwise on the public works, by the difference in exchange between the Eastern cities.

On motion of Mr. Grover,

Resolved, That the committee on Ways and Means be, and they are hereby instructed to inquire into the expediency of so amending the revenue law, as that hereafter the board of county commissioners doing county business in the respective counties in the State of Indiana, shall be restricted and not authorized to levy in any case upon *real* estate, a county tax which shall be more than *double* the amount of the per cent. levied by the State for each year.

On motion of Mr. Brown of D.,

Resolved, That the committee on the Judiciary inquire whether any alteration or modification be necessary in the 14th section of the act of the 17th of February, 1838, regulating the duties of Justices of the Peace; or in the act amendatory thereof, of the 22d of February, 1840: and also in the 23d section of the act first above named: and also, that the same committee inquire into the propriety of allowing costs to justices of the peace in each of such cases where the same is not provided for.

Second, That the same committee inquire whether any legislative act be necessary at this time to secure a proper record of marriages, and that the said committee have leave to report by bill or otherwise.

On motion of Mr. Edwards,

Resolved, That the Auditor of State be required to lay before this House such additional returns of the assessments of the counties not included in his annual report, as he may have since received.

BILLS INTRODUCED.

By Mr. Devin; No. 226, a bill to amend an act entitled, an act declaring Patoka a highway, and for other purposes;

By Mr. Milliken; No. 227, a bill to regulate the summoning of petit jurors in Dearborn county;

By Mr. Runyon; No. 230, a bill to authorize the board of county commissioners of Kosciusko county, to record an order by them made;

By Mr. Dunbar; No. 232, a bill supplemental to an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4th, 1831, &c.;

Which bills were each read a first time, and passed to a second reading.

By Mr. Defrees; No. 228, a bill to amend an act regulating the practice in suits at law;

By Mr. Goodhue; No. 233, a bill to amend the several acts prescribing the mode of doing county business, and authorizing the election of Constables, approved 17th Feb., 1838;

By Mr. Clark; No. 234, a bill to amend an act entitled, an act prescribing the duties of county auditors, &c.;

Which bills were each read a first and second times, (the rules being suspended,) and referred to the Judiciary committee.

By Mr. Bradley; No. 229, a bill to incorporate the trustees of the Laporte University;

Read a first and second times, (the rules being suspended,) and referred to the committee on corporations.

By Mr. Robinson of C.; No. 231, a bill to authorize the building of the towing-path-bridge across the Wabash river at Carrollton, Carroll county, and for other purposes;

Read a first and second times, (the rules being suspended,) and referred to the committee on Canals and Internal Improvements.

On motion of Mr. Ellis,

Mr. Deming obtained a leave of absence from this House.

Mr. Brown of M. moved to take from the table a bill for the relief of Valerius Armitage;

Which was agreed to, and the bill referred to a select committee of Messrs. Brown of M., Bradley and Ellis.

Mr. Marsh moved to reconsider the vote on the passage of the bill to repeal the act authorizing the building a dam across the east fork of White river;

Which motion prevailed.

The House then resolved itself into a committee of the whole on bill No. 142—providing for the payment of a debt due to the State Bank, and for the resumption of specie payments, Mr. Garrigus in the chair, and after a short time therein, the committee rose, reported progress, and asked leave to set again;

Which leave was granted.

Mr. Henley moved the said bill be made the special order of the day for Wednesday next;

Which was agreed to.

BILLS ON SECOND READING.

Senate bills—

No. 68—A bill to amend an act entitled, an act pointing out the mode of levying taxes, &c.;

No. 70—A bill authorizing the State Treasurer to collect and pay over to the counties of Dekalb, Wells and Lake, that portion of the surplus revenue to which the same are entitled;

No. 72—A bill for the relief of the heirs of Robert Blair, deceased;

No. 80—A bill to amend certain acts therein named;

No. 82—A bill to change the mode of doing county business in the county of Daviess;

No. 86—A bill to extend the time of holding probate courts in the counties of Jefferson and Washington;

No. 85—A bill to legalize the election and official acts of the probate judge of Fulton county;

No. 94—A bill to legalize the election of, and official acts of probate judge of the county of St. Joseph, Indiana.

House bills—

No. 187—A bill for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein;

No. 188—A bill to establish female district schools in certain cases;

No. 189—A bill to amend an act entitled, an act to provide for the selection of grand and petit jurors, &c.;

No. 190—A bill to amend an act entitled, an act to authorize certain individuals, therein named, to build a bridge across the Kankakee, at Sherwood's Ferry, &c.;

No. 192—A bill to repeal part of an act to provide for a better regulation of the Indiana University, &c.;

Which bills were each read a second time, and ordered to be engrossed for a third reading.

No. 60, a bill to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock;

Read second time, and,

On motion of Mr. Henley,

Laid on the table.

No. 13, an act to repeal parts of certain acts therein named.

Mr. Edwards moved to re-commit said bill with the following instructions: Insert the word "knowingly;" strike out two and twenty years and insert "one and ten years."

Mr. Chapman of Laporte moved to amend the instructions as follows: Insert after the word eighteen, "or more."

Mr. Monroe moved to amend the amendment to the instructions as follows: Strike out the words state prison wherever they occur, and insert "county jail;"

Which motion was lost.

The question recurring on the proposed amendment was taken and adopted.

The question on re-committing said bill with the instructions as amended, was taken and carried in the affirmative.

No. 99, (S. B.) a bill to regulate the fees of sheriffs in certain cases therein named;

Read a second time, when

Mr. Norvell moved to refer it to the judiciary committee;

Which was agreed to.

No. 183, (H. B.) a bill to remove the disability of Mary Ann Brewner.

Mr. Matheny moved to indefinitely postpone said bill;

Which did not prevail.

Mr. Henley moved to commit said bill to the judiciary committee with instructions to report a general law on that subject;

Which prevailed.

No. 185, a bill providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal east of Tippecanoe river.

The bill was read a second time, and on the question, Shall the bill be engrossed for a third reading, Messrs. Henley and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Cogswell, Coon, Davis of Floyd, Defrees, Devin, Ellis, Foley, Foulk, Frink, Gilbert, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Lee, Marsh, Marshall, McAllister, Meeker, Mitchell, Montgomery, Murray, Nelson, Ogden, Quick, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Shively, Sinks, Snook, Tisdale, Wines of Allen and Wines of Vigo—50.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Laporte, Clements, Cooley, Cooper, Cotton, Davis of Sullivan, Dunbar, Edwards, Garrigus, Goodenow, Goodhue, Graham, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Matheny, May, Milliken, Monroe, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rawlings, Ritchey, Saffer, Shoup, Snoddy, Stratton, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Williamson, Yocum and Mr. Speaker—44.

So said bill was ordered to be engrossed.

No. 186, a bill to regulate the duties of county assessors.

Mr. Dunbar moved to amend as follows:

At the end of section 1st insert, "except so much of said act as required that the appraiser should, in listing and valuing the lands of his county, mark on his maps the name or the initials of the name of the person in whose name the same was listed, and the quantity thereof;

which maps it shall not be necessary for the county auditor to furnish, nor for the assessor to mark as aforesaid;

Which amendment was adopted.

On motion of Mr. Chapman of Laporte,

Said bill was laid on the table.

No. 193, a bill relative to the places of voting in the several counties in this State.

Mr. Chapman of Laporte moved to lay said bill on the table;

And upon this question Messrs. Hannegan and Montgomery demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Butler, Chapman of Hancock, Chapman of L., Chrisman, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Dunbar, Edwards, Foley, Foulk, Garrigus, Gilbert, Goodhue, Gorman, Graham, Hackleman, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, May, McAllister, Monroe, Montgomery, O'Neill, Poulson, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Snoddy, Thompson of Noble, Tisdale, Townsend, Warriner, Wines of Allen, Yocum and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Barnett of L., Bradley, Brown of Dearborn, Clark, Coon, Defrees, Devin, Ellis, Frink, Goodenow, Grover, Hannegan, Henley, Lee, Lingle, Marsh, Marshall, Meeker, Milliken, Mitchell, Murray, Myers, Nelson, Norvell, Ogden, Peak, Rand, Ritchey, Robinson of Carroll, Sayler, Shively, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Williamson and Wines of Vigo—39.

So said bill was laid on the table.

No. 194, a bill exempting the Vincennes fire company from working on roads;

Read second time, (rules being suspended) read a third time and passed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The House resumed the consideration of bills on second reading.

No. 196, a bill to authorise an additional term of court in Dearborn county;

No. 195, a bill fixing the time of holding courts in the fourth judicial circuit;

No. 198, a joint resolution relative to the harbor of St. Joseph at Lake Michigan;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 197, a bill restricting voters to their own townships;

On motion of Mr. Matheny,

Said bill was laid on the table.

Mr. Graham then moved that said bill be taken from the table;

Which was agreed to.

Mr. Montgomery moved to indefinitely postpone said bill;

And upon this question the ayes and noes were demanded by Messrs. Mitchell and Marsh.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Dunbar, Edwards, Garrigus, Goodhue, Gorman, Graham, Hackleman, Harding, Hodges, Hoobler, Lee, Leslie, Lingle, Matheny, May, McAllister, Montgomery, O'Neill, Proctor, Rannells, Rawlings, Reed, Ritchey, Runyon, Saffer, Saunders, Snoddy, Tisdale, Townsend, Warriner, Wines of Allen, Yocum and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Chapman of Hancock, Cogswell, Cooley, Coon, Defrees, Ellis, Foley, Foulk, Frink, Goodenow, Grover, Hannegan, Hendricks, Henley, Howard, Hutton, Lawrence, Marsh, Marshall, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Norvell, Ogden, Poulson, Quick, Rand, Robinson of Carroll, Robinson of Rush, Rooker, Sayler, Shively, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Williamson and Wines of Vigo—45.

So said bill was indefinitely postponed.

BILLS ON THIRD READING.

No. 109, a bill to abolish public executions;

Read a third time, when

Mr. Edwards moved to lay said bill on the table;

And on this question Messrs. Defrees and Robinson of Carroll demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bowers, Brown of Marion, Butler, Chrisman, Clements, Cogswell, Cotton, Dunbar, Edwards, Foley, Goodhue, Harding, Hendricks, Hodges, Howard, Hutton, Leslie, McAlister, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Carroll, Rooker, Saffer, Saunders, Sayler, Shively, Snoddy, Thompson of Fayette, Tisdale and Townsend—38.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Cooley, Coon, Cooper, Davis of Sullivan, Defrees, Devin, Ellis, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hackleman, Hannegan, Henley, Hoobler, Lawrence, Lee, Lingle, Marsh, Marshall, Matheny, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Ogden, Proctor, Ritchey, Robinson of Rush, Runyon, Shoup, Sinks, Snook, Stratton, Thompson of Noble, Williamson, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—52.

So said bill was not laid on the table.

Mr. Robinson of Carroll moved to recommit said bill with the following instructions:

"That the Sheriff at any such execution shall have present fifty armed men to prevent a rescue of the prisoner;"

Which was not agreed to.

Mr. Hoobler moved to postpone indefinitely said bill;

Which did not prevail.

And on the question, shall the bill pass? the ayes and noes were demanded by Messrs. Defrees and Coon:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clark, Davis of Floyd, Defrees, Ellis, Foulk, Frink, Graham, Grover, Hackleman, Hannegan, Henley, Lee, Lingle, Marsh, Meeker, Milliken, Mitchell, Murray, Ogden, Ritchey, Robinson of Rush, Runyon, Sinks, Snook, Stratton, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler, Chrisman, Clements, Cogswell,

Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Devin, Dunbar, Edwards, Foley, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Marshall, Matheny, May, McAlister, Monroe, Montgomery, Nelson, Norvell, O'Neill, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Carroll, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Snoddy, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend and Yocum—56.

So said bill failed.

No. 150—A bill for the relief of S. S. Tipton;

Read a third time, when,

Mr. Norvell moved to recommit it with the following instructions: "to report a joint resolution calling upon the general government to pay,"

Which did not prevail.

And on the question, shall said bill pass? the ayes and noes were demanded by Messrs. Chapman of Hancock and Coon:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Dearborn, Clark, Clements, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Graham, Grover, Hackleman, Hannegan, Hendricks, Lee, Lingle, Marsh, Marshall, Meeker, Mitchell, Murray, Myers, Ogden, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Wines of Allen and Wines of Vigo—38.

Those who voted in the negative were,

Messrs. Bowers, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Cooper, Davis of Sullivan, Dunbar, Foley, Garrigus, Goodenow, Goodhue, Harding, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, May, McAlister, Milliken, Monroe, Montgomery, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Rawlings, Ritchey, Saffer, Sayler, Shively, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson Yocum and Mr. Speaker—52.

And so said bill failed.

No. 141—A bill to provide means for placing the Silver Creek bridge between New Albany and Jeffersonville in a passable condition;

No. 146—A bill concerning the tax imposed on lands of non-residents in Pike county;

No. 148—A bill to change the time of holding the Probate Courts in Greene county;

No. 149—A bill to exempt Probate Judges from arrest;

No. 151—A bill to amend an act respecting roads and highways;

No. 153—A bill to authorize the appointment of a commissioner in Lebanon, Boone county;

No. 155—A bill to change a part of a certain State road in Greene county;

No. 157—A bill to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White River bridge, in Marion county;

No. 158—A bill declaring a certain name a misprint and for other purposes;

No. 161—A bill to allow each county in this State to send two students to the State University;

No. 162—A bill to amend an act to revise and amend an act incorporating congressional townships, and providing for public schools, therein, &c.;

No. 163—A bill to establish a tobacco inspection in the town of Point Commerce, in Greene county;

No. 167—A bill to locate a State road in Union and Franklin counties;

No. 170—A bill amendatory to an act entitled an act concerning clerks, &c.;

No. 173—A bill to amend an act entitled an act to incorporate the several townships in the county of Dearborn;

No. 174—An act to attach an additional school district to congressional township No. 5, South of range No. 8 West, in Warrick county;

No. 175—A bill to change the mode of selecting petit jurors in Lawrence county, and for other purposes;

Which bills were each read a third time and passed.

The following message was received from the Senate by Mr. Farquhar, their assistant secretary:

MR. SPEAKER:

The Senate continues to insist on its amendments to the bill of the House, to abolish imprisonment for debt; and Messrs. Carnan and Elliott have been appointed a committee of free conference on the part of the Senate to act with the committee appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to the amendments of the Senate to said bill.

Mr. Cotton, from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit:

No. 110—An act for the relief of the owners of certain lots in Indianapolis.

No. 108—An act to vacate the town of Benton in Hancock county;

No. 107—An act to provide for the election of a justice of the peace in Shielville, Hamilton county;

No. 104—An act to locate a State road in Hancock and Hamilton counties;

No. 92—An act to vacate part of the town of Wilmington in Clinton county;

No. 81—An act to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county;

No. 39—An act to amend an act to incorporate the Orange Guards;

No. 14—A joint resolution relative to Blackford's Reports in La-grange and Hancock counties;

No. 177—A bill to repeal an act converting the Sinking, Saline, College, Surplus Revenue, and State Bank funds into Bank stock.

Mr. Chapman of Laporte moved to recommit said bill to a ——— with instructions as follows:

"To provide for the safe keeping or for the return of so much of said funds as have been paid into said Bank or Branches."

Pending this question,

On motion,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, JAN. 11, 1842.

The House met according to adjournment.

PETITIONS WERE PRESENTED.

By Mr. Thompson of Fayette, of William Dickey asking relief; Referred to a select committee of Messrs. Thompson of Fayette, Meeker and Sinks.

By Mr. Yocum, of citizens of Parke, Clay, Putnam and Vigo counties, praying the formation of a new county out of said counties; Referred to the delegation of those counties.

By Mr. Ellis, of citizens of Tippecanoe county, on the subject of a ferry across the Wabash river;

Referred to a select committee of Messrs. Ellis, Hoobler and Robinson of Carroll.

By Mr. Butler, of citizens of Randolph county, praying for a stay law;

Referred to the judiciary committee.

By Mr. O'Neill, of Carpus Shaw, school commissioner of Greene county, on a subject therein named;

Referred to the committee on education.

Mr. Graham, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections to which was referred a resolution to inquire into the expediency of amending the act "to provide for electing county and township officers," have had the subject under consideration and have directed me to report a bill "to amend an act entitled an act to provide for electing county and township officers," approved Feb. 17, 1838, and recommend its passage.

Bill No. 235—A bill to amend an act to provide for electing county and township officers, &c.;

Read a first and second times (the rules being suspended) and referred to the judiciary committee.

Mr. Goodhue moved to reconsider the vote on the passage of bill

No. 146—A bill concerning the tax imposed on lands of non-residents in Pike county;

Which prevailed.

Said bill was then laid on the table by consent.

The following message was received from the Senate by Mr. Farquhar, their assistant Secretary:

MR. SPEAKER:

The Senate has passed the following resolution:

Resolved, That the Senate, (the House of Representatives concurring,) proceed on Tuesday, the 11th inst., at 2 o'clock, P. M., to elect a director of the State Bank on the part of the State, to fill the vacancy which will occur by the expiration of the term of Jacob Walker, Esq., and respectfully request the concurrence of the House of Representatives therein.

Mr. Henley moved to concur by inserting *Monday* next;

Which was agreed to.

The Speaker laid before the House a communication from M. Morris, Esq., Auditor of public accounts, in obedience to a resolution of the House in relation to the assessment of lands in the several counties.

Mr. Chapman of L. moved to lay the communication on the table, and print 500 copies thereof;

Which was not agreed to.

On motion,

The bill was laid on the table, and 200 copies ordered to be printed.

The following message was received from the Senate by Mr. Maquire, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives without amendment, entitled as follows, viz:

No. 123—An act fixing the times of holding the circuit courts in the 9th judicial circuit;

No. 138—An act for the relief of the heirs and legal representatives of Martha Wilson, deceased;

No. 139—An act to legalize an election held in Jackson township Putnam county.

Also, without amendment, a joint resolution:

No. 199—To suspend the operation of a certain law therein named.

Also, the following bill of the House of Representatives, with one amendment:

No. 78—An act supplemental to the act for the selecting, rating and selling the lands yet due on the Wabash and Erie Canal, east of the mouth of Tippecanoe river, and for other purposes, approved Feb. 24, 1840;

In which amendment of the Senate, the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills thereof, entitled,

No. 56—An act to provide for selecting petit jurors in Hendricks county, and for other purposes;

No. 92, an act to prevent the further sale or hypothecation of Indiana State bonds, by any fund commissioner or other agent;

No. 100, an act for the relief of John W. Hitt, and others;

No. 103, an act supplemental to an act entitled, "an act regulating the practice in suits at law," approved Jan. 29, 1831;

No. 104, an act to amend an act entitled, an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

No. 105, an act to amend an act entitled, an act for the preservation of sheep, approved Jan. 25, 1841;

No. 108, an act to amend an act entitled, "an act more effectually to secure the purity of elections," approved Feb. 15, 1841;

No. 118, an act to change the name of Austin Bush;

No. 122, an act to review and re-locate so much of the state road from Fredonia to the mouth of the Wabash as lies in Warrick county;

No. 125, an act giving the collector of Decatur county for the year 1840 further time to collect the balance due said collector;

In which several bills of the Senate I am directed respectfully to ask the concurrence of the House of Representatives.

The amendment of the Senate, spoken of in said message, was concurred in.

No. 56, mentioned in said message, was passed.

Nos. 92, 100, 103, 104, 105, 108, 122, 125, mentioned in said message, were each read a first time and passed to a second reading.

No. 118, mentioned in said message, was read a first, second and third times, (the rules being suspended) and passed.

Mr. Wines of Allen moved to reconsider the vote ordering the report of the auditor of State, laid before the House this morning, to be printed;

Which prevailed.

The report was then laid on the table.

The motion to print was then taken and lost.

Mr. Brown of Marion made the following report :

Mr. SPEAKER :

The judiciary committee, to which was referred bill of the Senate No. 99, entitled an act to fix the fees of sheriffs in certain cases therein mentioned, have had the same under consideration, and have directed me to report the same back to the House with the following amendment, to strike out the fifth line of said bill.

The amendments were concurred in and the bill ordered to be engrossed for a third reading.

Mr. Montgomery made the following report :

Mr. SPEAKER :

The committee on corporations, to whom was referred bill of the House of Representatives No. 229, entitled "a bill to incorporate the trustees of the Laporte University," have had the same under consideration, and directed me to report the same back to the House with three amendments, in which they have directed me to ask the concurrence of the House and recommend the passage of the bill.

Said amendments were then concurred in, with an amendment offered by Mr. Garrigus, as follows: strike out two-thirds, and insert "a majority."

Mr. Montgomery made the following report :

Mr. SPEAKER :

The committee on corporations, to whom was referred bill of the Senate No. 78, entitled "a bill to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company," approved January 30, 1837, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend the passage of the bill. From this report Messrs. Robinson and Marsh, so far as relates to the second section, dissent.

Said bill was then ordered to be engrossed for a third reading.

Mr. Reed made the following report :

Mr. SPEAKER :

The committee on federal relations, to whom was referred a resolution of the legislature of Vermont on the subject of designating the same day throughout the United States for the choice of president and vice-president, have had the same under consideration, and directed me to report the following joint resolution :

No. 236, a joint resolution designating the same day throughout the United States for the election of president and vice-president ;

Read a first time, and passed to second reading.

Mr. Norvell made the following report :

Mr. SPEAKER :

The select committee to whom was referred a resolution requesting the appointment of a notary public in the several townships of Lawrence county, have had the same under consideration, and are fully satisfied with the provisions of the present law on that subject, and wish to be discharged from further consideration of the same.

The committee was discharged accordingly.

Mr. Marsh made the following report :

Mr. SPEAKER :

The select committee to whom was referred bill No. 30, have had the same under consideration, and have directed me to report the same back to the House with the following amendments and recommend its passage.

The amendments were concurred in.

Mr. Tisdale moved to strike out Adams and Jay ;

Which was agreed to.

The bill was then ordered to be engrossed for a third reading.

Mr. Brown of Marion made the following report :

Mr. SPEAKER :

The select committee to which was referred a bill of the House for the relief of Valerius Armitage, have had that subject under consideration, and have directed me to report the same back to the House with two amendments, and recommend its passage ;

Which amendments were concurred in and the bill ordered to be engrossed for a third reading.

RESOLUTIONS.

On motion of Mr. Robinson of Carroll,
Resolved, That Noah Noble Esq., our fund commissioner, be, and he is hereby instructed, at as early a day as is possible, to inform this

House what amount of money has been advanced by the State Bank, through any of the Branches thereof, for internal improvement purposes; and also, upon what particular works the said money was expended; giving the amount expended on each work, and time advances were made.

On motion of Mr. Shoup,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of amending the act, supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1841, so that the execution-defendant shall be entitled to all the rents, profits, &c. that may arise during the time allotted for redemption.

On motion of Mr. Chapman of H.,

Resolved, That the committee on the canal fund be positively instructed to report, as soon as possible, to this House, for its action, a joint resolution providing for the repudiation of so much of the public debt of the State bonds, for which the consideration has wholly or in part failed, or for bonds that have been parted with by our fund commissioners without the sanction of law.

Mr. Edwards move to lay said resolution on the table,

And on the question, Messrs. Chapman of H., and Coon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bradley, Chapman of Laporte, Clark, Cooper, Davis of F., Defrees, Edwards, Ellis, Foulk, Frink, Goodhue, Grover, Hackleman, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Mitchell, Montgomery, Murray, Ogden, Quick, Rannels, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, and Williamson—36.

Those who voted in the negative were,

Messrs. Barnett of M., Bowers, Brown of D., Brown of Marion, Butler, Chapman of H., Chrisman, Clements, Cogswell, Cooley, Coon, Cotton, Davis of S., Devin, Dunbar, Foley, Garrigus, Gilbert, Goodenow, Gorman, Graham, Hannegan, Harding, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, McAlister, Milliken, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of F., Thompson of N. and L., Townsend, Warriner, Wines of A., Wines of V., Yocum, and Mr. Speaker—59.

So said resolution was not laid on the table.

Mr. Bradley moved to amend the resolution as follows:

Strike out the words, "for which the consideration has wholly or in part failed, or for bonds;"

Which motion prevailed.

The further consideration of said resolution was cut off by the expiration of the hour allotted to resolutions.

JOINT RESOLUTIONS.

No. 237—a joint resolution for the relief of Samuel H. Pattison, one of the late superintendents of the State prison;

Read first time and passed to a second reading.

By Mr. Defrees, No. 238, a joint resolution concerning State bonds;

Read first time, (the rules suspended) and read a second time.

Mr. Brown of M., moved to refer said bill to the committee on the canal fund.

Mr. Ritchey moved to postpone said joint resolution indefinitely.

On motion of Mr. Hannegan,

Said joint resolution was laid on the table.

By Mr. Clark, No. 239, a joint resolution to bring back good times;

Read a first time,

When Mr. Brown of M. moved to reject said joint resolution,

And upon this question the ayes and noes were demanded by Mr. Brown of M., and Henley.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bowers, Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Davis of S., Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Proctor, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of R., Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of F., Thompson of N. and L., Tisdale, Townsend, Warriner, Williamson, Wines of A., Wines of V., Yocum, and Mr. Speaker—86.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Clark, Howard, Marshall, Poulson, Rannels, and Stratton—8.

So said joint resolution was rejected.

Mr. Hannegan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements have instructed me to report the amendment, submitted to them in lieu of the

original bill, with the following amendments to the amendment, to-wit: add at the close of the first section the following:

"*Provided*, That in no case shall the price to be paid for the lands, by such actual settlers fall below the minimum price at which the said lands are classed and rated."

Strike out, in the first and fourth sections, the words "160 acres." and insert "80 acres."

Which amendments were concurred in.

Mr. Hannegan made the following report:

MR. SPEAKER:

The joint committee of free conference, appointed on the part of the Senate and House of Representatives, to take into consideration the disagreement of the two Houses, in relation to the amendment of the Senate, to the bill of the House, entitled, No. 42, an act to abolish imprisonment for debt; have conferred together on the subject of said disagreement, and have agreed to a substitute for the said bill of the House and amendment of the Senate, which is herewith reported, On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Hannegan moved to suspend the rules and consider the report of the committee of free conference;

Which was agreed to.

The report was then concurred in.

Ordered that the clerk inform the Senate thereof.

BILLS ON SECOND READING.

No. 123—(S. B.) a bill giving further time to assessors;

No. 200—A bill to amend an act, &c., declaring Patoka a public highway;

No. 203—A bill to vacate the town of Richardville;

No. 204—A bill to vacate a part of a certain state road therein named, and to declare a certain portion of a county road a state road;

No. 210—An act for the location of the seat of justice in the county of Benton;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 206—A bill for the relief of James R. McCord;

Read a second time (rules suspended) read a third time and passed.

No. 202—A bill providing for the reduction of the per diem allowance of the members of the General Assembly of this State;

Read a second time and referred to the committee of ways and means.

No. 211—An act declaring a divorce in a certain case therein named, and for other purposes;

Mr. Cogswell moved to lay said bill on the table;

Which motion was lost.

Mr. Hoobler moved that the bill be indefinitely postponed.

Mr. Matheny then moved the previous question;

Which was seconded by the House.

The question first put was, Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill be engrossed for a third reading?

And on this question the ayes and noes were demanded:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Butler, Chapman of Laporte, Cooley, Coon, Davis of Floyd, Davis of Sullivan, Devin, Edwards, Ellis, Foley, Gilbert, Grover, Hannegan, Harding, Henley, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannels, Rawlings, Reed, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Wines of Vigo, Yocum and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooper, Cotton, Defrees, Dunbar, Foulk, Frink, Garrigus, Goodenow, Goodhue, Graham, Hackleman, Hendricks, Hodges, Hoobler, Marshall, May, Meeker, Murray, Nelson, Ogden, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale, Williamson and Wines of Allen—37.

So said bill was ordered to be engrossed.

Said bill was then read a third time, and on the question, Shall the bill pass?

On this question the ayes and noes were demanded by Messrs. Saffer and Hoobler:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Butler, Chapman of Laporte, Cooley, Coon, Davis

of Floyd, Davis of Sullivan, Devin, Edwards, Ellis, Foley, Gilbert, Grover, Hannegan, Harding, Hendricks, Henley, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Saffer, Saylor, Shively, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Wines of Vigo, Yocum and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Chapman of Hancock, Chrisman, Clark, Cogswell, Cooper, Cotton, Defrees, Dunbar, Foulk, Frink, Garrigus, Goodenow, Goodhue, Graham, Hackleman, Hodges, Hoobler, May, Meeker, Murray, Nelson, Ogden, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale, Williamson and Wines of Allen—34.

And so said bill passed.

No. 212—A bill to facilitate proceedings in actions at law;

Read a second time and referred to the judiciary committee.

No. 213—A bill for the stay of execution;

Read a second time, when,

Mr. Mitchell moved to amend said bill as follows:

"*Provided*, That any defendant may pay his debt to the constable in slow notes, payable six months after convenience."

Mr. Brown of Marion moved the previous question;

Which was seconded by the House.

The first question put was, Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill be engrossed for a third reading?

And upon this question the ayes and noes were demanded by Messrs. Myers and Townsend:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Butler, Chapman of Hancock, Clements, Cogswell, Davis of Sullivan, Dunbar, Foley, Goodhue, Grover, Harding, Hutton, Lawrence, Marshall, Matheny, McAlister, Myers, O'Neill, Peak, Ritchey, Robinson of Rush, Saffer, Saunders, Shively, Shoup, Townsend, Yocum and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Chrisman, Clark, Cooley, Coon, Cooper, Cotton, Defrees, Devin, Edwards, Ellis, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Hannegan, Hendricks, Hodges, Hoobler, Howard, Lee, Leslie, Lingle,

Marsh, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, Ogden, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Carroll, Rooker, Runyon, Saylor, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Williamson, Wines of Allen, and Wines of Vigo—64.

Mr. Chapman of Laporte moved to reconsider bill 150, for the relief of S. S. Tipton;

And on this question the ayes and noes were demanded by Messrs. Runyon and Chapman of Laporte:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Laporte, Clark, Clements, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Lee, Lingle, Marshall, McAlister, Meeker, Mitchell, Murray, Myers, Ogden, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Tisdale, Williamson Wines of Allen and Wines of Vigo—46.

Those who voted in the negative were,

Messrs. Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Cooper, Davis of Sullivan, Dunbar, Foley, Garrigus, Goodenow, Goodhue, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Matheny, May, Millikin, Monroe, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rawlings, Ritchey, Saffer, Saylor, Shively, Sinks, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Yocum and Mr. Speaker—47.

No. 216—A bill reducing the salaries of Associate Judges;

No. 220—A bill declaring a certain name a misprint, and for other purposes;

No. 221—A bill to amend an act entitled an act to establish seats of justice in new counties;

No. 225—A bill for the election of a justice of the peace in St. Louis, Bartholomew county;

No. 226—A bill to amend an act entitled an act declaring Patoka a public highway, and for other purposes;

No. 227—A bill to regulate the summoning of petit jurors in Dearborn county;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 230—A bill to authorize the board of county commissioners of Kosciusko county to rescind an order by them made;

On motion of Mr. Runyon,

Said bill was amended by striking out of said bill "1st Monday" and insert "2d Monday."

The bill was then ordered to be engrossed for a third reading.

No. 232—A bill supplemental to an act supplemental to an act subjecting real and personal property to execution, &c., approved Jan. 8, 1842;

Mr. Harding moved to amend the bill by striking out the first section of the bill.

On motion of Mr. Hannegan,

Said bill was committed to the judiciary committee.

The House resumed the consideration of bill

No. 177—A bill to repeal an act converting the Sinking, Saline, College, Surplus Revenue and State Bank funds into Bank stock;

Mr. Chapman of Laporte withdrew his former instructions and offered the following in lieu thereof.

Sec. 2. That so much of said funds or either of them as may have been transferred or paid into said Bank or Branches or either of them, together with all notes, bonds, mortgages or other obligations relating thereto, may be returned by said branches or other officers from whom the same were transferred, to be by such commissioner or other officer disposed of according to law; or in case any or all of said branches shall neglect or refuse to return any one or all of said funds, then and in that case the same shall remain, be kept and disposed of by such branch or branches, in the same manner and under the same restrictions and limitations in all respects as is provided by the act under which the same were received,

Which was agreed to.

Mr. Montgomery moved that the House adjourn;

Messrs. Hannegan and Brown of Marion demanded the ayes and noes on adjournment:

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Chapman of Hancock, Clark, Cogswell, Cooper, Cotton, Davis of Floyd, Edwards, Ellis, Foley, Foulk, Gilbert, Goodenow, Goodhue, Grover, Hendricks, Howard, Lee, Leslie, Marshall, Matheny, Monroe, Montgomery, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Rooker, Runyon, Saffer, Saunders, Stratton, Tisdale, Townsend, Williamson and Wines of Allen—40.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Brown of Dearborn, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clements, Cooley, Coon, Davis of Sullivan, Defrees, Dunbar, Frink, Garrigus, Gorman, Graham, Hackleman, Hannegan, Harding, Henley, Hodges, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, McAllister, Meeker, Milliken, Mitchell, Murray, Myers, Nelson, Nor-

vell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Robinson of Rush, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Wines of Vigo Yocum and Mr. Speaker—55.

Mr. Brown of Marion then moved the previous question.

Mr. Marshall moved that the House adjourn till to-morrow twelve o'clock, M.

Messrs. Marshall and Cooper demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Edwards, Foley, Foulk, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—43.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Devin, Dunbar, Frink, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—53.

Mr. Montgomery moved that the House adjourn till 9 o'clock, to-morrow morning.

The ayes and noes were demanded on this question by Messrs. Montgomery and Bradley.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—48.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of

Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—48.

Mr. Marshall then moved that the House adjourn until to-morrow morning at half-past eight o'clock;

And upon this question Messrs. Marshall and Defrees demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—48.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—48.

Mr. Goodhue moved that the House adjourn until to-morrow morning at half-past 9 o'clock;

And upon this question Messrs. Montgomery and Goodhue demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—48.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—48.

Mr. Davis of Floyd moved that the House adjourn until to-morrow at 8 o'clock.

Messrs. Davis of Floyd and Montgomery called the ayes and noes on this question.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—48.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—48.

Mr. Montgomery then moved that the House adjourn till a quarter past 9 o'clock to-morrow morning;

And on this question Messrs. Montgomery and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick,

Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—47.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Saylor, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—49.

The House now seconded the call for the previous question;

The question then put, was,

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit:

Shall the bill pass?

And on this question, the ayes and noes were demanded by Messrs. Brown of M. and Robinson of C.

Those who voted in the affirmative were,

Messrs. Bearss, Brown of D., Brown of M., Butler, Chapman of H., Chrisman, Cogswell, Cooley, Coon, Davis of S., Dunbar, Garrigus, Gorman, Graham, Hannegan, Henley, Hendricks, Hoobler, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, McAllister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of C., Saffer, Saylor, Shively, Shoup, Snoddy, Thompson of F., Thompson of N. and L., Warriner, Whight, Yocum and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bowers, Bradley, Clark, Cooper, Cotton, Davis of F., Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of A., and Wines of V—44.

So said bill passed.

Mr. Robinson of R., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compar-

ed the enrolled with the engrossed bills and joint resolutions from the House of Representatives and Senate, and find them correctly enrolled, to-wit:

No. 43—an act to amend an act relating to county seminaries, approved Feb. 17, 1838;

No. 48—an act for the relief of Samuel D. Grisham, collector of Carroll county;

No. 12—an act entitled an act regulating the taking up of animals going estray, and water crafts and other articles of value adrift, approved Feb. 15, 1841;

No. 25—an act to legalize the election of Mason Palmer formerly a justice of the peace of Daviess county;

No. 83—an act to repeal the State board of equalization;

No. 78—an act, supplemental to an act, entitled an act, providing for the selecting, rating, and selling lands yet due on the Wabash and Erie canal East of the mouth of Tippecanoe river, and for other purposes, approved Feb. 24, 1840;

No. 123—an act fixing the times of holding circuit courts in the 9th judicial circuit;

No. 138—an act for the relief of the heirs and legal representatives of Martha Wilson deceased;

No. 139—an act to legalize an election held in Jackson township Putnam county;

No. 199—a joint resolution to suspend the operation of a certain law therein named.

Mr. Robinson of R., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature the following entitled bills of the House of Representatives, to-wit:

No. 101—an act to locate a State road;

No. 74—an act to legalize the marriage of William Gapen and Malinda G. Moore.

The following message was received from the Senate by Mr. Farquhar their assistant Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that they have passed without amendment the following engrossed bill of the House, to-wit:

No. 163—to establish a tobacco inspection in the town of Point Commerce, in Greene county.

On motion,

The House adjourned till to-morrow at 9 o'clock.

WEDNESDAY MORNING JAN. 12, 1842.

The House met according to adjournment.

The Speaker laid before the House a petition of Jeremiah Wilson and George A. Thornton, of Orange county, praying the reduction of jurors fees;

Referred to the judiciary committee.

The following message was received from the Senate, by Mr. Maguire, their Secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House of representatives, that the Senate has passed a joint resolution thereof, entitled,

No. 63—a joint resolution appointing an agent to examine the state and condition of the State Bank, and each and every branch thereof;

In which the concurrence of the House of Representatives is respectfully requested.

No. 63, mentioned in said message, was read a first and second times, (the rules being suspended,) when Mr. Garrigus moved to strike out the name of Tilghman A. Howard.

Mr. Hannegan moved to commit the said joint resolution to a committee of the whole House, and make it the order of the day for tomorrow;

And on this question, Messrs. Bradley and Foley called the ayes and noes.

Those who voted in the affirmative were,

Messrs. Chapman of H., Chapman of L., Chrisman, Cooley, Coon, Davis of S., Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Lawrence, Lingle, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Snoddy, Thompson of F., Thompson of N. and L., Warriner, Wines of A., Wines of V., Yocum and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bradley, Brown of M., Butler, Clements, Cogswell, Cooper, Cotton, Davis of F., Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Hoobler, Howard, Hutton, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Nelson, Ogden, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Snook, Stratton, Tisdale, Townsend, and Williamson—49.

So said joint resolution was not so committed.

The question recurring on the motion of Mr. Garrigus, to amend said joint resolution, by striking out the name of Tilghman A. Howard; and on the question, the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myres, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of F., Thompson of N. and L., Warriner, Wines of A., Wines of V., Yocum, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Clark, Cooper, Cotton, Davis of F., Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rawlings, Rannells, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, and Williamson—44.

Mr. Davis of F., moved to fill the blank in the joint resolution with the name of R. D. Owen;

And on this question the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Bowers, Davis of F., Defrees, Edwards, Goodenow, Goodhue, Graham, Howard, Leslie, Marshall, Matheny, Montgomery, Proctor, Quick, Rannells, Rawlings, Robinson of R., Saunders and Tisdale, —19.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of S., Devin, Dunbar, Ellis, Foley, Foulke, Frink, Garrigus, Gilbert, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Lingle, Marsh, May, Meeker, Milliken, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Rand, Reed, Ritchey, Robinson of C., Runyon, Saffer, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of F., Thompson of N., Townsend, Warriner, Williamson, Wines of A., Wines of V., Yocum and Mr. Speaker—74.

Which motion did not prevail:

Mr. Henley moved to fill the blank with the name of N. B. Palmer. And on this question the ayes and noes were demanded by Messrs. Garrigus and Chapman of H.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Davis of S., Dunbar, Foley, Frink, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lingle, Marsh, Mathe-ny, May, McAlister, Milliken, Mitchell, Monroe, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of F., Thompson of N., Townsend, Warriner, Wines of A., and Wines of V., Yocum and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Clark, Cotton, Defrees, Devin, Edwards, Ellis, Foulk, Goodenow, Goodhue, Hackleman, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Myers, Ogden, Quick, Rand, Rannels, Reed, Robinson of R., Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, and Williamson—34.

On motion of Mr. Garrigus,

Said joint resolution was considered as engrossed, and read a third time now;

Which was agreed to.

The joint resolution was read a third time and passed.

The following message was received from the Senate By Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed without amendment, engrossed bills of the House entitled as follows, viz:

No. 111—an act changing the mode of doing county business in the county of Clay,

No. 127—an act, to amend an act, pointing out the mode of levying taxes, approved Feb. 12, 1841;

No. 132—an act, to amend an act, entitled an act, authorizing the appointment of constables and defining their duties, approved Feb. 17, 1838, and for other purposes;

No. 115—an act declaring the road from Winslow in Pike county to Boonville in Warrick county, a State road;

No. 137—an act to legalize the official acts of a probate judge in Wells county.

Also, the following bills of the House with amendments, viz:

No. 52—an act providing for the election of three commissioners in school section No. 14, north of range No. 7, west, in Parke county;

No. 98—an act to authorize Nathan Kirk to build a bridge on the Michigan road;

In which amendments of the Senate to said bills of the House, the concurrence of the House is respectfully requested.

The Senate has also passed engrossed bills thereof, entitled as follows:

No. 20—an act for the relief of owners of Wabash and Erie canal lands;

No. 90—an act, to repeal an act, entitled an act, to authorize Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841;

No. 111—an act for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties;

No. 116—an act concerning criminal practice;

No. 117—an act for the more effectual suppression of extortion;

No. 120—an act, to amend the several acts in relation to the surplus revenue;

No. 124—an act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 127—an act to vacate a part of the town of Crawfordsville;

No. 132—an act changing the mode of doing county business in the county of Putnam;

No. 140—an act for the benefit of the legal heirs of Charles Phillips deceased;

No. 141—an act for the relief of Erastus D. Townsend;

Also, the following joint resolutions of the Senate:

No. 112—a joint resolution authorizing the distribution of the Revised Laws of 1838 to Randolph county;

No. 113—a joint resolution in relation to Indiana University;

In which bills and joint resolutions of the Senate, the concurrence of the House of Representatives is respectfully requested.

No. 52, mentioned in said message, as amended, was concurred in.

No. 98, mentioned in said message, as amended, was concurred in.

Nos. 90, 116, 117, 120, 124, 127, 141, mentioned in said message, were each read a first time, and passed to a second reading.

No. 20, mentioned in said message, was read a first and second times, (the rules being suspended) and referred to the committee on canals and internal improvements.

No. 111, mentioned in said message, was read first and second times, (the rules being suspended) and referred to the committee on education.

No. 132, mentioned in said message, was read a first and second times, (rules suspended,) and laid on the table.

No. 140, mentioned in said message, read a first and second times, (the rules having been suspended,) and referred to the judiciary committee.

Joint resolutions, Nos. 112 and 113, mentioned in said messages, were each read a first time, and passed to a second reading.

Mr. Brown of M., on leave, offered the following resolution:

Resolved, That Joseph R. Pratt, one of the keepers of the State prison, be authorised to procure the depositions of such persons as he may choose, to sustain the charges made before this House against John McDougal, his associate; and that the said McDougal in like manner, be authorized to procure depositions to exonerate himself from any such charge, and that upon the taking such depositions, the party in all such cases intending to take such depositions, shall give the opposite party reasonable notice,

Which was adopted.

PETITIONS WERE PRESENTED

By Mr. McAlister, a remonstrance of citizens of Madison county, on a subject therein named;

Referred to the same select committee to which a petition on that subject had been referred.

By Mr. Gilbert of citizens of Delaware county, on a subject therein named;

Referred to the judiciary committee.

Mr. Marshall, from the judiciary committee made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of George Miller, praying relief, have had that subject under consideration, and have directed me to report the following bill:

No. 239—a bill for the relief of George Miller, of Johnson county;

Read a first, second, and third times, (the rules having been suspended,) and passed.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred a bill of the House, No. 233, entitled a bill to amend the general acts prescribing the mode of doing county business, and authorising the election of constables, approved Feb. 17. 1838, and for other purposes, have had that subject under consideration, and have directed me to report the same back to the House without amendment, and ask its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Marshall from the same committee, made the following report

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of Thomas G. Mason and others, praying that the administrator of Matthew H. Kempton may be authorised to bring suit against Thomas P. Britton, in some county other than the county of Spencer, in which he resides, have had that subject under consideration, and have directed me to report the following bill:

No. 240—a bill authorizing the administrator of Matthew H. Kempton to bring certain suits in Perry county.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a resolution of the House, directing an inquiry into the expediency of providing by law, for subjecting choses in action and equitable interests in land to the payment of debts, have had that subject under consideration, and have directed me to report the following bill:

No. 241—a bill to subject equitable interests in real property and choses in action to the payment of debts;

Read a first time and passed to a second reading.

Mr. Hannegan, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements have directed me to report a joint resolution authorising the board of internal improvement, to settle with contractors.

No. 242—a joint resolution authorizing the board of internal improvement to settle with contractors;

Read a first time and passed to a second reading.

Mr. Hodges, from a majority of a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry citizens of the counties of Clay, Sullivan and Vigo, together with the remonstrance, praying a relocation of the Bono state road from Samuel Stoa's, in Sullivan county, by the way of Centreville, in Vigo county, to the end of George Taylor's lane in said county, have had the same under consideration, and a majority of the committee is of opinion that it is inexpedient to legislate on that subject at present and ask to be discharged from any further consideration thereof.

The said committee was then discharged.

Mr. Davis of Sullivan, from a minority of said select committee, reported the following bill:

No. 243—A bill to relocate a part of a State road therein named;
Read a first time, and passed to a second reading.
Mr. Proctor made the following report:

Mr. SPEAKER:

The select committee to whom was referred the petition from the board of commissioners of Spencer county have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 244—A bill legalizing the proceedings of the board of county commissioners of Spencer county;

Read a first and second times (rules suspended) and referred to the judiciary.

RESOLUTIONS.

The consideration of the resolution of Mr. Chapman, pending yesterday when the hour for the resolutions expired, was resumed.

The resolution was amended so as to inquire into the expediency, and then adopted.

Mr. Grover offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of changing the time of holding the election of trustees in the several school districts in this State, so that the election shall take place on the first Monday in April in each year, and shall be held at the usual places of holding elections for township officers.

Mr. Bradley moved to amend said resolution so as to make it imperative in its character,

Which was not adopted.

The resolution was not adopted.

On motion of Mr. Chrisman,

Resolved, That the judiciary committee be instructed to inquire into the expediency of modifying the forfeitures contained in the 18th section of the 2d chapter of an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved Feb. 15, 1841.

Mr. Clements offered the following resolution:

Resolved, That the Treasurer of State report to this House as soon as practicable, whether suit has been brought against delinquent Agents of the Surplus Revenue in the several counties of this State, if so, what situation those suits are in, and if not, why it has not been done.

Mr. Harding moved to strike out said resolution from the resolving clause, and insert the following in lieu thereof:

Resolved, That the Treasurer of State be requested to lay before this House, at as early a period as possible, the situation of that part of the Surplus Revenue which was set apart for the use of common

schools, and the name of each and every agent in the different counties in the State, the amount of defalcation by each, and whether suit has been commenced against such defaulting agent, according to a law on that subject, making it the duty of the Treasurer of State to bring suit against defaulting agents,

Which was agreed to, and the resolution was adopted.

Mr. O'Neill offered the following resolution:

Resolved, That the committee on the public expenditures be instructed to inquire into the expediency of reporting a bill authorizing the public printers to print at least twelve copies of the journals of the legislature for each county in this State, to be distributed with the laws to the several counties; and that they report by bill or otherwise;

Which was not adopted.

Mr. Quick offered the following resolution:

Resolved, That the Speaker respond to no member of this House except he be in his place when he address the chair.

Messrs. Quick and Sayler demanded the ayes and noes on the adoption of said resolution:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Meeker, Milliken, Murray, Myers, Nelson, O'Neill, Peak, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Wines of Allen, Wines of Vigo and Yocum
—81.

Those who voted in the negative were,

Messrs. Clark, Gorman, Graham, Hannegan, Marshall, Mitchell, Monroe, Montgomery, Norvell, Ogden, Poulson, Proctor, Whight, Williamson and Mr. Speaker—15.

Mr. Henley offered the following resolution:

Resolved, That the use of this Hall be allowed to Professor Mills on Friday evening next, for the purpose of delivering a lecture on education;

Mr. Foley moved to amend the resolution by inserting "6 o'clock" after "evening,"

Which prevailed.

Then the resolution was adopted.

JOINT RESOLUTIONS INTRODUCED,

By Mr. Chapman of Hancock; No. 245, a joint resolution relative to the revision of the laws;

Read a first time and passed to a second reading.

By Mr. Brown of Marion; No. 246, a bill to repeal an act regulating damages on protested bills of exchange, approved February 17, 1838;

Read a first time and passed to a second reading.

BILLS INTRODUCED,

By Mr. May; No. 247, a bill to amend the 80th section of the act regulating the jurisdiction and duties of justices of the peace, &c.;

Read a first time and passed to a second reading.

By Mr. Clements; No. 248, to amend an act entitled an act to provide for distributing so much of the Surplus Revenue of the U. S. as the State of Indiana may be entitled to, &c.;

Read a first and second times (rules suspended) and referred to the judiciary committee.

By Mr. Milliken; No. 249, a bill to amend the charter of the Lawrenceburgh and Napoleon Turnpike Company;

Read a first and second times (rules suspended) and referred to the committee on corporations.

By Mr. Clark; No. 250, a bill to repeal a part of the law requiring the issuing of marriage license;

Read a first time and passed to a second reading.

By Mr. Bradley; No. 251, a bill to amend an act relating to crimes and punishments;

Read a first and second times (rules suspended) and referred to the judiciary committee.

By Mr. Thompson of Fayette; No. 252, a bill for the relief of the tax payers in Fayette county;

Read a first and second times (rules suspended) and referred to the committee of ways and means.

By Mr. Chapman of Hancock; No. 253, a bill for the relief of the people;

Read a first time, when,

Mr. Ellis moved to reject it;

And on this question the ayes and noes were demanded by Messrs. Ellis and Chapman of Hancock:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Chapman of Laporte, Clark, Coen, Cotton, Davis of Floyd, Defrees, Edwards, Ellis, Foley, Foulk, Goodenow, Hanne-

gan, Henley, Hodges, Hoobler, Howard, Leslie, Lingle, Marsh, May, Meeker, Milliken, Mitchell, Monroe, Murray, Nelson, Ogden, O'Neill, Quick, Rand, Rannels, Reed, Ritchey, Runyon, Sayler, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Whight, Williamson, Wines of Allen, and Wines of Vigo—52.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Cooper, Davis of Sullivan, Devin, Dunbar, Frink, Garrigus, Gilbert, Goodhue, Graham, Grover, Hackleman, Harding, Hendricks, Hutton, Lawrence, Lee, Marsh, Matheny, McAlister, Montgomery, Myers, Norvell, Peak, Poulson, Proctor, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Shively, Shoup, Townsend Yocum and Mr. Speaker—42.

By Mr. Bearss; No. 254, a bill to declare a certain road in Wabash county a State road.

Read a first and second times, (rules suspended) and referred to the committee on roads.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion,

Mr. Graham was appointed chairman of the committee on the State Prison, in room of Mr. Simonson, who, on account of illness, is unable to attend to the duties of said station.

Mr. Brown of Marion (on leave) offered the following resolution:
Resolved, That in the investigation of the charges made by Joseph R. Pratt against John McDougal, the committee on the State Prison be directed to send for persons and papers,
Which was adopted.

ORDERS OF THE DAY.

No. 142—A bill providing for the payment of a debt due the Bank and for the resumption of specie payments, being the order of the day, was postponed till to-morrow.

BILLS ON THIRD READING.

No. 68—A bill to amend an act entitled an act pointing out the mode of levying taxes, &c.;
Read a third time and failed.

SENATE BILLS.

No. 70—A bill authorizing the State Treasurer to collect and pay over to the counties of De Kalb, Wells and Lake that portion of the Surplus Revenue to which the same are entitled;

Read a third time and laid on the table.

No. 72—A bill for the relief of the heirs of Robert Blair, deceased;
Read a third time and passed.

No. 80—A bill to amend certain acts therein named;

Read a third time and passed.

No. 82—A bill to change the mode of doing county business in the county of Daviess;

No. 85—A bill to legalize the election and official acts of the Probate Judge of Fulton county;

No. 86—A bill to extend the time of holding Probate courts in the counties of Jefferson and Washington;

No. 94—A bill to legalize the election and official acts of the Probate Judge of the county of St. Joseph.

HOUSE BILLS.

No. 165—A bill granting pre-emptions to actual settlers on lands selected for the Wabash and Erie Canal;

No. 181—A bill concerning petit jurors in the counties of Greene, Daviess, Ripley, Adams, Jay and De Kalb;

No. 185—A bill providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie Canal, &c.;

No. 187—A bill reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein;

No. 188—A bill to establish female district schools in certain cases;

Which bills were each read a third time and passed.

No. 125—(H. B.) a bill to amend an act regulating the practice in suits at law, approved Jan. 29, 1831;

Mr. Dunbar moved to amend the bill by inserting the word "guardian" after the word "administrator" where it occurs in said bill;

Which was agreed to.

Mr. Henley moved to take from the table bill No. 70;

Which prevailed.

Mr. Henley moved to recommit it to a select committee, with instructions;

Which prevailed, and

Mr. Henley and the delegation from those counties were appointed said committee.

No. 179—A bill to amend the 48th section of the act to regulate the jurisdiction of justices of the peace, &c.;

Read a third time, and the ayes and noes were demanded on its passage by Messrs. Robinson of Carroll and Hodges:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Davis of Floyd, Defrees, Devin, Dunbar, Edwards, Foley, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Marsh, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, Ogden, O'Neill, Proctor, Quick, Runyon, Saunders, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Williamson, Wines of Allen, and Yocum—63.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Chrisman, Cooper, Cotton, Ellis, Foulk, Graham, Henley, Hodges, Lingle, Marshall, Matheny, May, McAlister, Murray, Peak, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Sayler, Sinks, Tisdale, Wines of Vigo and Mr. Speaker—29.

So said bill passed.

The following message was received from the Governor by Mr. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that on yesterday he approved and signed,

No. 101—An act to locate a state road;

No. 74—An act to legalize the marriage of William Gopen and Malinda G. Moore;

And on this day the following acts:

No. 92—An act to vacate a part of the town of Wilmington, in Clinton county;

No. 39—An act to amend an act entitled an act to incorporate the Orange Guards;

No. 110—An act for the relief of the owners of certain lots in the town of Indianapolis.

No. 108—An act to vacate the town of Benton in Hancock county;

No. 107—An act to provide for the election of a justice of the peace in the town of Shielville, in Hamilton county;

No. 104—An act to locate a state road therein named, in Hancock and Hamilton counties;

No. 81—An act to provide for the election of a justice of the peace in the town of Jonesborough, in Greene county;

Also—

No. 14—A joint resolution relative to Blackford's Reports in La-grange and Hancock counties;

All of which originated in the House of Representatives.

A message from the Senate by Mr. Maguire their secretary:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the joint committee of free conference, appointed to take into consideration the disagreement between the two Houses in relation to the amendments made by the Senate to bill No. — of the House entitled, "an act to abolish imprisonment for debt."

Mr. Cotton, from the committee on enrolled bills, made the following report to-wit:

Mr. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled, to-wit:

No. 35—An act to amend an act entitled an act to amend an act regulating the mode of doing county business in the several counties in this State;

No. 106—An act to amend the several acts now in force incorporating the Lawrenceburgh Bridge Company.

Mr. Cotton, from the committee on enrolled bills made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bill of the House of Representatives, and find it correctly enrolled, to-wit:

No. 52—An act providing for the election of three school commissioners in township No. 14, North of range 7 West, in Parke county.

No. 184—A bill to authorize John Calahan to build a bridge across the mouth of Tanner's creek, in Dearborn county;

Read a third time, when,

Mr. Milliken moved to recommit with instructions to strike out the 10th and 11th sections;

Which did not prevail.

The bill then passed.

Mr. Bearss moved to reconsider the vote on the passage of bill No. 177—To repeal an act converting the Sinking, Saline, College, Surplus Revenue and State Bank funds, &c., into Bank stock;

Mr. Brown of Marion moved a call of the House,

Which was ordered.

The roll being called through, the absentees were Messrs. Brown of Dearborn, Poulson, Simonson and Percy.

Mr. Bradley moved that the further call be suspended,

And on this question Messrs. Bradley and Edwards demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Clark, Clements, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goode-now, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Towns-end, Williamson and Wines of Vigo—47.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, May, McAlister, Milliken, Mitchell, Monroe, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Ritchey, Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—49.

On motion of Mr. Hannegan,
The doors were ordered to be closed and the absent members sent for.

On motion of Mr. Hannegan,

The further [call] was suspended.

Mr. Bearss then withdrew his motion to reconsider; and,

Mr. Gorman renewed it.

And after debate,

The House adjourned till to-morrow-morning 9 o'clock.

THURSDAY MORNING, JAN. 13, 1842.

The House met according to adjournment.

The Speaker laid before the House a communication from S. Merrill, Esq., president of the State Bank, in answer to a resolution of this House of the 11th instant;

Which was laid on the table and one hundred copies ordered to be printed.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed an engrossed bill of the House of Representatives entitled,

No. 116, an act supplemental to an act entitled, an act to provide for the revision of the laws, with an amendment.

Also, engrossed bills and a joint resolution of the Senate entitled,

No. 135, a joint resolution in relation to the early settlement of this State ;

No. 137, an act incorporating the Vincennes Historical and Antiquarian Society ;

No. 145, an act relating to the Vevay seminary ;

No. 131, an act amendatory of the acts now in force on the subject of notary public ;

No. 133, an act to legalise the sale of a certain school section therein named ;

In which bills of the Senate and amendment to the bill of the H. R. No. 116, I am directed respectfully to ask the concurrence of the House of Representatives.

The question being on concurring with the amendment of the Senate to said bill of the House No. 116,

Mr. Chapman of Laporte moved to lay the message and bill on the table ;

And on this question the ayes and noes were called by Messrs. Chapman of Hancock and Davis of Sullivan.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Chapman of Laporte, Cooper, Defrees, Ellis, Graham, Grover, Hannegan, Harding, Hendricks, Marsh, Reed, Rooker and Wines of Vigo—14.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell,

Cooley, Coon, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Hackleman, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannels, Rawlings, Ritchey, Robinson of Carroll, Robinson of Rush, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen, Yocum and Mr. Speaker—77.

Mr. Gorman moved to concur in said amendment with the following amendment : " if they shall deem it expedient and necessary ; "

Which was agreed to :

And so the amendment was concurred in.

Bills Nos. 135, 137, 131, 133, mentioned in said message, were each read a first time and passed to a second reading.

No. 145, mentioned in said message, was read a first and second times and ordered to be engrossed for a third reading.

PETITIONS WERE PRESENTED,

By Mr. Quick, of citizens of Bartholomew county, in regard to the extension of the time for holding the circuit court in said county ;

Referred to a select committee of members of that circuit.

By Mr. Gorman, the memorial of William Alexander of Monroe county, for relief ;

Referred to the judiciary committee.

By Mr. Brown of Marion, of Jonathan Schofield and other citizens of Marion county, on the subject of the growth and manufacture of silk ;

Referred to the committee on agriculture.

By Mr. Saunders, of citizens of Decatur county, on subjects therein named ;

Mr. Cooper moved to refer said petition to a select committee, with instructions to report a bill in conformity with the prayer of the petitioners ;

Messrs. Saunders, Cooper and Gorman were appointed said committee.

Mr. Leslie made the following report :

MR. SPEAKER :

The committee on roads, to which was referred bill of the House of Representatives No. 219, entitled, a bill to amend an act entitled " an act to amend an act entitled an act relating to public roads and highways, approved Feb. 17, 1838," approved Feb. 24, 1840, have, according to order, had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Garrigus made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred the petition of sundry citizens of Harrison county, on the subject of the preservation of sheep, have had that subject under consideration, and have directed me to report, that, in their opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Robinson of Carroll made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Carroll county, relative to water power at the Great Wabash Dam No. 4, in Carroll county, have had that subject under consideration, and have directed me to report the following bill upon that subject, and recommend its passage :

No. 255, relative to carrying out the water power at Wabash dam No. 4, in Carroll county ;

Read a first and second times, (rules being suspended) and referred to the committee on canals and internal improvements.

Mr. Davis of Sullivan made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of Sullivan, Greene and Vigo counties, have had the same under consideration, and have directed me to report the following bill :

No. 256, a bill to provide for a state road therein named ;

Read a first and second times (rules being suspended) and ordered to be engrossed for a third reading.

RESOLUTIONS.

On motion of Mr. Gorman,

Resolved, That Joseph R. Pratt furnish the committee on the state prison particular specifications to the several charges preferred against John McDougal, one of the superintendents of the state prison, and that the action of the committee on said charges be suspended until such specifications are laid before them.

Mr. Norvell offered the following resolution :

Resolved, That the committee on ways and means be instructed to report to this House, at as early a period as practicable, a bill providing for the collecting and disbursing the revenue of the State of Indiana ;

Which was not adopted.

Mr. Wines of A., offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of giving justices of the peace jurisdiction in all criminal cases when imprisonment does not exceed six months in the county jail and a fine not exceeding one hundred dollars;

Which was not adopted.

Mr. Saffer offered the following resolution:

Resolved, That the committee of ways and means to whom was referred sundry bills reducing the pay of members of the legislature &c, be positively instructed to report to this House a bill reducing the fees and salaries of each and every officer in the State over which the present legislature can have any control.

Mr. Henley moved to lay the resolution on the table,

And on this question Messrs. Poulson and Saffer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Cooper, Defrees, Devin, Dunbar, Ellis, Frink, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Henley, Leslie, Lingle, Marshall, Matheny, Murray, Myers, Robinson of C., Robinson of R., Warriner, Whight, Wines of A., Wines of V. and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cooley, Coon, Cotton, Davis of Floyd, Davis of Sullivan, Edwards, Foley, Garrigus, Gilbert, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Rooker, Saffer, Sayler, Saunders, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of F., Thompson of N., Tisdale, Williamson and Yocum—56.

Mr. Davis of F., moved to amend the resolution by reducing the pay of members 25 per cent.

Mr. Foley moved to amend the amendment by fixing the pay of members at \$2 per day;

Which was lost.

Mr. Cooper moved to amend the amendment by striking out said resolution from the resolving clause, and insert the following in lieu thereof:

Whereas, The State of Indiana is in embarrassed circumstances, and whereas the people has called loudly for reform and economy, therefore be it, *Resolved*, That we the members of the present House will receive only two dollars per diem for our services during the present session.

On motion, the whole matter was laid on the table.
Mr. Cogswell, on leave, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Amasa Bond, Joseph Barris, Cora Campbell, and sixty others, in regard to restricting voters to their several townships, and to elect an assessor in each township, in Hamilton county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 257—a bill to confine the voters of Hamilton county to their respective townships, and for other purposes;

Read a first, second, and third times.

Mr. Montgomery moved to re-consider the vote on third reading; Which prevailed.

The bill was then referred to the committee of ways and means.

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

The Senate has concurred in the amendment of the House of Representatives, to the resolution of the Senate, in relation to the time when both Houses shall proceed to the election of a bank director, in place of Jacob Walker.

The Senate has refused to concur in the amendment of the House of Representatives to joint resolution of the Senate, No. 63, appointing an agent to examine the State Bank, and each and every Branch thereof.

On motion of Mr. Henley,

The House insisted upon their amendment to the joint resolution of the Senate, No. 63, appointing an agent to examine the State Bank, &c.

On this question, Messrs. Hackleman and Ritchey demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Davis of S., Dunbar, Foley, Frink, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Murray, Myers, Nelson, Norvell, O'Neill, Poulson, Proctor, Rand, Rawlings, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Snoddy, Snook, Thompson of F., Thompson of N. and L., Warriner, Whight, Wines of A., Wines of V., Yocum, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley,

Clark, Cotton, Defrees, Devin, Edwards, Ellis, Foulk, Gilbert, Goode-now, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Lee, Marshall, Meeker, Montgomery, Ogden, Quick, Rannells, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Sinks, Stratton, Tisdale, Townsend, and Williamson—38.

So the House insisted on their amendment.

On motion of Mr. Montgomery,

Resolved, That the committee on the judiciary inquire into the expediency of so amending the law defining the duties of county recorders, as to permit them, in all cases where they discover errors in deeds or any other instruments of writing, required by law to be recorded, to return said instruments of writing to the proper persons for correction.

On motion of Mr. Milliken,

Resolved, That the committee on the State bank, be instructed to inquire into the expediency of so amending the bank charter, that no person shall be eligible to the office of bank director for any of the branches, who does not meet promptly the regular calls of the bank on his paper.

On motion of Mr. Dunbar,

Bill No. 186, was taken from the table.

Mr. Cotton reported from a select committee, No. 258, a bill;

Read first and second times, and

Referred to a select committee of Messrs. Cotton, Edwards, and Proctor.

ORDERS OF THE DAY.

Bill No. 142, providing for the payment of a debt due the bank, &c., was passed over, by consent, till 2 o'clock, P. M.

BILLS OF THE SENATE.

No. 92, a bill to prevent the further sale or hypothecation of Indiana State bonds, by any fund commissioner or other agent;

Read a second time, and referred to the committee of ways and means.

No. 100, a bill for the relief of John W. Hitt and others;

Read a second time and ordered to be engrossed.

No. 103, a bill supplemental to an act, entitled, an act regulating the practice of suits at law:

Read a second time, and referred to the judiciary committee.

No. 104, a bill to amend an act, entitled, an act pointing out the mode of levying taxes;

No. 105, a bill to amend an act, entitled, an act for the preservation of sheep;

No. 108, a bill to amend an act, entitled, an act more effectually to secure the purity of elections, &c.;

No. 122, a bill to review and re-locate so much of the State road from Fredonia, to the mouth of the Wabash, &c.;

No. 237, a joint resolution for the relief of Samuel H. Patterson, late superintendent of the State prison;

Read second time and referred to the committee on the State prison.

No. 125, a bill giving the collector of Decatur county, for the year 1840, further time to collect, &c.

HOUSE BILLS.

No. 236, a joint resolution designating the same day throughout the United States, for the election of president and vice president;

No. 242, a joint resolution authorising the board of internal improvement to settle with contractors.

Which bills and joint resolutions were each read a second time, and were ordered to be engrossed for a third reading.

No. 240, a bill authorizing the administrators of Matthew H. Kempton, to bring certain suits in Perry county.

Mr. Marshall moved to amend said bill, so as to give probate courts jurisdiction, as well as circuit courts;

And then the bill was ordered to be engrossed.

No. 241, a bill subjecting choses in action to the payment of debts on execution.

Mr. Chapman moved to lay said bill on the table, and print 100 copies thereof;

Which was agreed to.

No. 243, a bill to re-locate part of a certain State road therein named;

Read a second time and referred to a select committee composed of the delegation from Vigo county.

No. 245, a joint resolution relative to the revision of the laws;

Read a second time and laid on the table.

No. 246, a bill to repeal an act regulating damages on protested bills of exchange;

Read second time, and referred to the judiciary committee.

No. 247, a bill to amend the 80th section of the act regulating the duties and jurisdiction of justices of the peace, &c.;

Read second time and laid on the table.

No. 250, a bill to repeal part of the law requiring the issuing of marriage license.

Mr. Edwards moved to postpone said bill indefinitely.

Mr. Henley moved to lay said bill on the table;

Which motion did not prevail.

Mr. Hannegan moved the previous question;

Which was seconded by the House.

The question then put was:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit:

Shall the bill pass?

On this question the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of Marion, Butler, Clark, Clements, Cooley, Coon, Davis of Sullivan, Devin, Dunbar, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Grover, Hoobler, Lee, Marsh, Matheny, Meeker, Mitchell, Monroe, Nelson, Ogden, O'Neill, Poulson, Proctor, Rannels, Robinson of Carroll, Rooker, Shively, Snook, Wines of Allen, Wines of Vigo and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Chapman of Hancock, Chapman of Laporte, Chrisman, Cooper, Cotton, Davis of Floyd, Edwards, Gorman, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Howard, Hutton, Lawrence, Leslie, Lingle, May, McAllister, Milliken, Montgomery, Murray, Norvell, Peak, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Runyon, Saffier, Saunders, Sayler, Shoup, Sinks, Snoddy, Stratton, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Whight, Williamson and Yocum—50.

The motion to postpone indefinitely was withdrawn, and the question being on its engrossment, said bill failed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Henley moved to reconsider bill No. 70, to authorise the State Treasurer to pay, &c. to the counties of Lake, &c., that portion of the surplus revenue to which the same are entitled;

Which was agreed to.

The bill was then ordered to be engrossed for a third reading.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed the following acts:

No. 52—an act providing for the election of three school commissioners in township No. 14 north, of range 7 west, in Parke county;

No. 139—An act to legalize an election held in Jackson township Putnam county;

No. 138—An act for the relief of the heirs and legal representatives of Martha Wilson, deceased;

No. 123—An act fixing the times of holding circuit courts in the 9th judicial circuit;

No. 78—An act supplemental to the act entitled an act providing for the selecting, rating and selling lands yet due on the Wabash and Erie Canal, east of the mouth of Tippecanoe river, and for other purposes, approved Feb. 24, 1840;

No. 137, an act to legalize the official acts of William Wallace, probate judge of Wells county;

No. 42, an act to abolish imprisonment for debt;

Also,

No. 199, a joint resolution to suspend the operation of a certain law therein named.

All of which originated in the House of Representatives.

Mr. Robinson of Rush made the following reports:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit:

No. 137, an act to legalize the official acts of William Wallace, probate judge of Wells county;

No. 42, an act to abolish imprisonment for debt.

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following entitled bills and joint resolutions of the House of Representatives and Senate, to-wit:

No. 199, a joint resolution to suspend the operation of a certain law therein named;

No. 83, an act to repeal the State board of equalization;

No. 48, an act for the relief of Samuel D. Grisham, collector of Carroll county;

No. 43, an act to amend an act relating to county seminaries, approved Feb. 17, 1838;

No. 25, an act to legalize the election of Mason Palmer, formerly a justice of the peace of Daviess county;

No. 12, an act entitled an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift, approved Feb. 15, 1841.

No. 215, a bill for the relief of Samuel H. Bratton;

Read a third time and passed.

The House then went into committee of the whole on the bill providing payment for the debt "due the bank and for the resumption of specie payments," Mr. Garrigus in the chair; and after some time spent therein, the committee rose, and the chairman reported that the committee had, according to order, the said bill under consideration, and had made some amendments thereto, in which he was directed to ask the concurrence of the House.

The amendments were then concurred in.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, JAN. 14, 1842.

The House met according to adjournment.

The Speaker laid before the House a communication of Joseph R. Pratt, one of the superintendents of the state prison, submitting particular specifications to the charges preferred by him against John McDougal;

Which were referred to the committee on the state prison.

The following message was received from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

I am instructed to inform the House of Representatives that the Senate has passed engrossed bills of the House, without amendment, entitled as follows, viz:

No. 148, an act to change the time of holding the probate courts in Greene county;

No. 153, an act to authorise the appointment of a commissioner in Lebanon, Boone county;

No. 155, an act to change a part of a certain state road in Greene county;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county;

No. 158, an act declaring a certain name a misprint, and for other purposes;

No. 161, an act to allow each county in this State to send two students to the State University;

No. 167, an act to locate a state road in Union and Franklin counties;

No. 173, an act to amend and revise an act to incorporate the several townships in the county of Dearborn;

No. 174, an act to attach an additional school district to congressional township No. 5, south of range No. 8 west in Warrick county;

No. 239, a bill for the relief of George Miller of Johnson county.

The Senate has also passed engrossed bills of the House of Representatives entitled as follows, with amendments, viz:

No. 44, an act for the relief of the borrowers of the surplus revenue and other funds;

No. 69—an act regulating the duties of clerks of the circuit courts and county auditors;

No. 140—an act for the relief of Hugh and Robert Stewart;

In which amendments the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills thereof, entitled as follows, viz:

No. 66—an act to authorize the reception of that portion of the proceeds of the sales of the public lands to which the State is entitled by virtue of an act of Congress, entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved Sept. 4, 1841;

No. 104—an act to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State;

No. 146—an act relating to exchange brokers;

In which I am directed to ask the concurrence of the House of Representatives.

No. 44—mentioned in said message, was on motion of Mr. Wines of A., laid on the table;

No. 69—mentioned in said message with the amendments, referred to the committee on the judiciary;

No. 140—bill of the House, mentioned in said message, the amendments were concurred in;

No. 66—Senate bill, mentioned in said message, was,

Read a first time and passed to a second reading.

No. 104—mentioned in said message, was,

Read a first and second times, (rules being suspended,) and referred to the judiciary committee:

No. 146—mentioned in said message, was,

Read a first and second times, (rules being suspended) and referred to the committee of ways and means;

Mr. Graham from the committee on the affairs of the State Prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison to which was referred a joint resolution of the House, for "the relief of Samuel H. Patterson," have had the same under consideration, and have directed me to report the same back with amendments.

The said joint resolution was then read a third time and passed, (rules being suspended.)

Mr. Graham, from the same committee, made the following report:

MR. SPEAKER:

The committee on the Affairs of the State Prison beg leave to report, that they have had under consideration so much of the Governor's message as relates to the condition of the Prison, together with other documents on the same subject, that have been referred to them; from all which, as well as from other authentic information, the committee are fully convinced that a radical and thorough reform in our penitentiary system is imperatively demanded.

The facts and arguments which those documents present in favor of a total and speedy abandonment by the State of the present Prison and its site, are so urgent and incontrovertible that but little if indeed any thing is left to the committee to say; and they but reiterate the sentiment which runs throughout these documents, when they say, that the honor, interest and character of the State, and the calls of humanity alike concur in demanding of the Legislature immediate action in the premises.

The committee being fully aware that the present is the most inauspicious moment to press the consideration of a subject requiring an outlay of money to accomplish this object, have in the contemplated new arrangement directed only the necessary expenditures to be advanced by the State, and refunded by the State's profit in the Prison.

The committee, guided by the best lights that have been before them, cannot too strongly recommend the purchase of a new site near Jeffersonville, and the erection thereon of a new Prison, on a plan and space commensurate not only with the present necessities of the case, but with its obviously increasing exigencies, and have framed a bill accordingly, which they now submit embracing in its detail some other subjects of importance, as they consider, to the proper carrying out of the ultimate object in view.

The committee cannot but suggest the impolicy, as they deem it, of that feature in the present law which authorizes the appointment of more than one superintendent in the government of an institution of this kind. The head should be an unit. Conflicting interest begets conflicting views and efforts, and consequently produce jealousies between the coequal governors. Each having an equal right, and clothed with equal powers to direct and manage it, requires no argument to show that any serious disagreement between the superintendents must result seriously, and often permanently prejudicial to all parties concerned, or involved in the operations of the prison, its management or discipline. To remedy this evil, the bill herewith reported provides that but one superintendent shall hereafter be appointed, which appointment shall be by joint ballot of both Houses of the General Assembly. This provision will, however, be inoperative

during the existence of the present contract, which will expire in June, 1846, unless in the mean time the contract should be cancelled or compounded; the power to do which the accompanying bill vests in the Governor, with the assent of the superintendents; and to conduce to this desirable result, the bill holds out to the present superintendents the assurance of a full indemnity should they resign, rescind their present contract, or compound with the Governor for the erection of the new building.

The Governor being vested with power to procure and adopt a suitable plan [for] the contemplated new prison, the committee entertain the confident hope that under the provisions of this bill, a Prison will be erected corresponding with the necessities of the case, and in accordance with the dictates of humanity, so loudly called for by the condition of those unfortunate persons who, for the good of society, in obedience to law, having forfeited their liberties, are at the mercy of the constituted authorities of the State.

The committee have had under consideration an engrossed bill of the Senate, No. 77, to amend an act entitled "an act regulating the State Prison," approved February 3, 1841, and have directed me to report the same back with one amendment. Strike the bill out from the enacting clause, and insert the bill of the committee.

The report was concurred in, and said joint resolution was read a first and second times, and ordered to be engrossed for a third reading.

PETITIONS WERE PRESENTED.

Mr. Brown of Marion moved to change the reference of a petition introduced by him yesterday, and refer it to a select committee to which a similar matter was heretofore referred.

By Mr. Harding, of citizens of Marion county, on the same subject;

Referred to the same select committee.

By Mr. Davis of Floyd, of citizens of New Albany, praying an act of incorporation for the manufacturing of bagging;

Referred to the committee on corporations.

By Mr. Bearss, of citizens of Peru, relative to the vacation of a certain street in said town;

Referred to a select committee of Messrs. Bearss, Grover and Runyon.

By Mr. Butler, of citizens of Randolph county, on the subject of a State road;

Referred to the committee on roads.

By Mr. Gorman, of citizens of Monroe and Brown; two several petitions, praying the location of a State road;

Referred to a select committee of Messrs. Gorman, Snoddy and Norvell.

By Mr. Bradley, of citizens of Laporte county, for a law changing the mode of empannelling jurors in said county.

By Mr. Yocum, of citizens of Clay county, asking that the times of holding the Probate Courts in said county may be changed;
Referred to a select committee of Messrs. Yocum, Davis of Sullivan, and Hodges.

By Mr. Henley, of John W. Long and others, citizens of Clark county, on the subject of apprentices;

Referred to the judiciary committee.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred a bill of the Senate, No. 140, also bills of the House, Nos. 244 and 171, have had those subjects under consideration and have directed me to report them back to the House without amendment, and recommend their passage.

Which bills were ordered to be engrossed for a third reading.

Mr. Chapman of Laporte made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the bill of the House of Representatives, No. 222, entitled, "a bill to amend an act entitled an act relative to crime and punishment," approved Feb. 10, 1831, have had the same under consideration, and have directed me to report the same back to the House of Representatives, without amendment, and recommend its passage.

Said bill was then read a third time (rules suspended) and passed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a resolution of this House, to inquire into the expediency of making sundry amendments to the school law, have directed me to report, that inasmuch as the session is now near its close, it is inexpedient at this time to legislate on that subject.

The report was concurred in and the committee discharged.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a bill No. 45, "a bill for the further relief of the purchasers of the Seminary lands in the counties of Gibson and Monroe, have had that subject under consideration, and have directed me to report it back with one amendment, and recommend its passage.

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The judiciary committee to which was referred bill of the House number thirty, to reduce the interest on the Surplus Revenue and other trust funds, have directed me to report the same back to the House, and recommend that it be laid on the table.

The report was concurred in, and laid on the table.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a bill, "No. 31, a bill applying certain funds to purposes of education," have had the same under consideration and have directed me to report it back without amendment, and recommend its passage.

On motion of Mr. Chapman of Hancock,

Said bill was recommitted to a select committee, consisting of Messrs. Chapman of Hancock, Chapman of Laporte and Goodenow.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 234, a bill to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 182, a bill prescribing the duties of county auditors, have had that subject under consideration, and have directed me to report it back and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the Senate No. 13, and the amendment of the House to said bill, have directed me to report the same back to the House with the following amendment and ask the concurrence of the House—the amendment having been made in accordance with positive instructions.

Which bill was then passed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 183, to remove the disability of Mary Ann Brewner, have had the same under consideration, and have directed me to report the same to the House with one amendment and recommend its passage;

Which amendment was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a petition of a number of citizens of Carroll county, praying a change in the law licensing groceries, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Hannegan reported back bill No. 234, a bill to amend an act prescribing the duties of county auditors, &c.;

Which passed.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution to inquire into the expediency of amending the law now in force respecting township officers who are receivers of any trust or public funds, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in and the resolution indefinitely postponed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 19, have directed me to report the same back and recommend its indefinite postponement.

On motion,

Said bill was laid on the table.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 251, a

bill to amend an act relative to crime and punishment, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement;

Which report was concurred in and the bill indefinitely postponed. Mr. Brown of Marion made the following report:

Mr. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 235, to amend an act entitled an act to provide for electing county and township officers, approved February 17, 1838, have directed me to report the same back to the House and recommend its passage.

(The rules were suspended,) the bill considered as engrossed, and read a third time and passed.

Mr. Brown of Marion made the following report:

Mr. SPEAKER:

The committee on the judiciary, to which was referred bill of the Senate No. 41, a bill to amend the act regulating the practice in chancery, approved February 10, 1831, have had the subject under consideration, and have directed me to report the same back to the House and recommend its passage.

On motion of Mr. Chapman of Laporte,

Said bill was laid on the table.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred the memorial of William Alexander, for relief, have had the same under consideration, and directed me to report a bill:

No. 259, a bill for the relief of the borrowers of the loan office fund in the State of Indiana.

The rules were suspended and said bill read three several times and passed.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred bills of the Senate as follows, No. 58, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841; also, an engrossed bill to amend an act entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," approved January 13, 1831, have had the same

under consideration, and directed me to report the same back to the House without amendment and recommend their passage.

The first mentioned bill in said report was ordered to be engrossed for a third reading.

The last mentioned bill of said report was recommitted to the same committee with instructions;

Which prevailed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Robinson of Carroll,

The previous orders of the day were suspended, [and] reports were received from standing committees.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred a bill of the House of Representatives No. 218, a bill to amend an act entitled an act to incorporate the trustees of Daviess county seminary; also, bill of the House of Representatives No. 232, a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831, approved January 8, 1842; also, No. 228, a bill to amend an act regulating the practice in suits at law, approved January 29, 1831; also, No. 248, a bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of congress, approved June 23, 1836, approved February 6, 1837, have had the same under consideration, and have directed me to report the same back to the House without amendment and recommend their passage.

No. 218—mentioned in said report, was ordered to be engrossed for a third reading;

No. 232—mentioned in said report, was on motion of Mr. Bradley amended as follows:

"Strike out," or any other execution then issued in the hands of the same, or any other officer which may be levied on, or entitled to levy on said property, and the balance if any remain, to be paid over to the defendant.

On motion of Mr. Dunbar,

Said bill was further amended by striking out execution defendant, and inserting officer in lieu thereof.

Mr. Chapman of L., moved to strike out twenty days and insert six days;

Which did not prevail.

Mr. Hodges moved to postpone indefinitely;

Mr. Montgomery moved to lay said bill and amendments on the table;

Which prevailed.

No. 228—mentioned in said report was read a third time, (the rules being suspended) and passed;

No. 248—mentioned in said report, was ordered to be engrossed for a third reading;

Mr. Runyon made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petitions and remonstrances of sundry citizens of Lake county on the subject of the location of a State road, commencing at or near Spatterdock Lake in said county, have according to order had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee were discharged accordingly.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads to which was referred a resolution directing an enquiry into the expediency of repealing so much of the present road law as allows supervisors to pay out of the county treasury, and to provide for their exemption from road tax, and working on roads for two years as a compensation for their services, have according to order had that subject under consideration, and a majority have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Runyon made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petitions and remonstrances of sundry citizens of Knox county on the subject of a change or vacation of a State road in said county, have according to order had that subject under consideration and have instructed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The said joint resolution was then read a third time and passed, (rules being suspended.)

Mr. Graham, from the same committee, made the following report:

MR. SPEAKER:

The committee on the Affairs of the State Prison beg leave to report, that they have had under consideration so much of the Governor's message as relates to the condition of the Prison, together with other documents on the same subject, that have been referred to them; from all which, as well as from other authentic information, the committee are fully convinced that a radical and thorough reform in our penitentiary system is imperatively demanded.

The facts and arguments which those documents present in favor of a total and speedy abandonment by the State of the present Prison and its site, are so urgent and incontrovertible that but little if indeed any thing is left to the committee to say; and they but reiterate the sentiment which runs throughout these documents, when they say, that the honor, interest and character of the State, and the calls of humanity alike concur in demanding of the Legislature immediate action in the premises.

The committee being fully aware that the present is the most inauspicious moment to press the consideration of a subject requiring an outlay of money to accomplish this object, have in the contemplated new arrangement directed only the necessary expenditures to be advanced by the State, and refunded by the State's profit in the Prison.

The committee, guided by the best lights that have been before them, cannot too strongly recommend the purchase of a new site near Jeffersonville, and the erection thereon of a new Prison, on a plan and space commensurate not only with the present necessities of the case, but with its obviously increasing exigencies, and have framed a bill accordingly, which they now submit embracing in its detail some other subjects of importace, as they consider, to the proper carrying out of the ultimate object in view.

The committee cannot but suggest the impolicy, as they deem it, of that feature in the present law which authorizes the appointment of more than one superintendent in the government of an institution of this kind. The head should be an unit. Conflicting interest begets conflicting views and efforts, and consequently produce jealousies between the coequal governors. Each having an equal right, and clothed with equal powers to direct and manage it, requires no argument to show that any serious disagreement between the superintendents must result seriously, and often permanently prejudicial to all parties concerned, or involved in the operations of the prison, its management or discipline. To remedy this evil, the bill herewith reported provides that but one superintendent shall hereafter be appointed, which appointment shall be by joint ballot of both Houses of the General Assembly. This provision will, however, be inoperative

during the existence of the present contract, which will expire in June, 1846, unless in the mean time the contract should be cancelled or compounded; the power to do which the accompanying bill vests in the Governor, with the assent of the superintendents; and to conduce to this desirable result, the bill holds out to the present superintendents the assurance of a full indemnity should they resign, rescind their present contract, or compound with the Governor for the erection of the new building.

The Governor being vested with power to procure and adopt a suitable plan [for] the contemplated new prison, the committee entertain the confident hope that under the provisions of this bill, a Prison will be erected corresponding with the necessities of the case, and in accordance with the dictates of humanity, so loudly called for by the condition of those unfortunate persons who, for the good of society, in obedience to law, having forfeited their liberties, are at the mercy of the constituted authorities of the State.

The committee have had under consideration an engrossed bill of the Senate, No. 77, to amend an act entitled "an act regulating the State Prison," approved February 3, 1841, and have directed me to report the same back with one amendment. Strike the bill out from the enacting clause, and insert the bill of the committee.

The report was concurred in, and said joint resolution was read a first and second times, and ordered to be engrossed for a third reading.

PETITIONS WERE PRESENTED.

Mr. Brown of Marion moved to change the reference of a petition introduced by him yesterday, and refer it to a select committee to which a similar matter was heretofore referred.

By Mr. Harding, of citizens of Marion county, on the same subject;

Referred to the same select committee.

By Mr. Davis of Floyd, of citizens of New Albany, praying an act of incorporation for the manufacturing of bagging;

Referred to the committee on corporations.

By Mr. Bearss, of citizens of Peru, relative to the vacation of a certain street in said town;

Referred to a select committee of Messrs. Bearss, Grover and Runyon.

By Mr. Butler, of citizens of Randolph county, on the subject of a State road;

Referred to the committee on roads.

By Mr. Gorman, of citizens of Monroe and Brown; two several petitions, praying the location of a State road;

Referred to a select committee of Messrs. Gorman, Snoddy and Norvell.

By Mr. Bradley, of citizens of Laporte county, for a law changing the mode of empannelling jurors in said county.

By Mr. Yocum, of citizens of Clay county, asking that the times of holding the Probate Courts in said county may be changed;

Referred to a select committee of Messrs. Yocum, Davis of Sullivan, and Hodges.

By Mr. Henley, of John W. Long and others, citizens of Clark county, on the subject of apprentices;

Referred to the judiciary committee.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred a bill of the Senate, No. 140, also bills of the House, Nos. 244 and 171, have had those subjects under consideration and have directed me to report them back to the House without amendment, and recommend their passage.

Which bills were ordered to be engrossed for a third reading.

Mr. Chapman of Laporte made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the bill of the House of Representatives, No. 222, entitled, "a bill to amend an act entitled an act relative to crime and punishment," approved Feb. 10, 1831, have had the same under consideration, and have directed me to report the same back to the House of Representatives, without amendment, and recommend its passage.

Said bill was then read a third time (rules suspended) and passed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a resolution of this House, to inquire into the expediency of making sundry amendments to the school law, have directed me to report, that inasmuch as the session is now near its close, it is inexpedient at this time to legislate on that subject.

The report was concurred in and the committee discharged.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a bill No. 45, "a bill for the further relief of the purchasers of the Seminary lands in the counties of Gibson and Monroe, have had that subject under consideration, and have directed me to report it back with one amendment, and recommend its passage.

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The judiciary committee to which was referred bill of the House number thirty, to reduce the interest on the Surplus Revenue and other trust funds, have directed me to report the same back to the House, and recommend that it be laid on the table.

The report was concurred in, and laid on the table.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a bill, "No. 31, a bill applying certain funds to purposes of education," have had the same under consideration and have directed me to report it back without amendment, and recommend its passage.

On motion of Mr. Chapman of Hancock,

Said bill was recommitted to a select committee, consisting of Messrs. Chapman of Hancock, Chapman of Laporte and Goodenow.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 234, a bill to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 182, a bill prescribing the duties of county auditors, have had that subject under consideration, and have directed me to report it back and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the Senate No. 13, and the amendment of the House to said bill, have directed me to report the same back to the House with the following amendment and ask the concurrence of the House—the amendment having been made in accordance with positive instructions.

Which bill was then passed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 183, to remove the disability of Mary Ann Brewner, have had the same under consideration, and have directed me to report the same to the House with one amendment and recommend its passage;

Which amendment was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a petition of a number of citizens of Carroll county, praying a change in the law licensing groceries, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Hannegan reported back bill No. 234, a bill to amend an act prescribing the duties of county auditors, &c.;

Which passed.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution to inquire into the expediency of amending the law now in force respecting township officers who are receivers of any trust or public funds, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement.

The report was concurred in and the resolution indefinitely postponed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 19, have directed me to report the same back and recommend its indefinite postponement.

On motion,

Said bill was laid on the table.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 251, a

bill to amend an act relative to crime and punishment, have had that subject under consideration, and have directed me to report it back and recommend its indefinite postponement;

Which report was concurred in and the bill indefinitely postponed.
Mr. Brown of Marion made the following report:

Mr. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 235, to amend an act entitled an act to provide for electing county and township officers, approved February 17, 1838, have directed me to report the same back to the House and recommend its passage.

(The rules were suspended,) the bill considered as engrossed, and read a third time and passed.

Mr. Brown of Marion made the following report:

Mr. SPEAKER:

The committee on the judiciary, to which was referred bill of the Senate No. 41, a bill to amend the act regulating the practice in chancery, approved February 10, 1831, have had the subject under consideration, and have directed me to report the same back to the House and recommend its passage.

On motion of Mr. Chapman of Laporte,
Said bill was laid on the table.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred the memorial of William Alexander, for relief, have had the same under consideration, and directed me to report a bill:

No. 259, a bill for the relief of the borrowers of the loan office fund in the State of Indiana.

The rules were suspended and said bill read three several times and passed.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred bills of the Senate as follows, No. 58, an act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841; also, an engrossed bill to amend an act entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," approved January 13, 1831, have had the same

under consideration, and directed me to report the same back to the House without amendment and recommend their passage.

The first mentioned bill in said report was ordered to be engrossed for a third reading.

The last mentioned bill of said report was recommitted to the same committee with instructions;

Which prevailed.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Robinson of Carroll,

The previous orders of the day were suspended, [and] reports were received from standing committees.

Mr. Gorman made the following report:

Mr. SPEAKER:

The judiciary committee, to whom was referred a bill of the House of Representatives No. 218, a bill to amend an act entitled an act to incorporate the trustees of Daviess county seminary; also, bill of the House of Representatives No. 232, a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831, approved January 8, 1842; also, No. 228, a bill to amend an act regulating the practice in suits at law, approved January 29, 1831; also, No. 248, a bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of congress, approved June 23, 1836, approved February 6, 1837, have had the same under consideration, and have directed me to report the same back to the House without amendment and recommend their passage.

No. 218—mentioned in said report, was ordered to be engrossed for a third reading;

No. 232—mentioned in said report, was on motion of Mr. Bradley amended as follows:

"Strike out," or any other execution then issued in the hands of the same, or any other officer which may be levied on, or entitled to levy on said property, and the balance if any remain, to be paid over to the defendant.

On motion of Mr. Dunbar,

Said bill was further amended by striking out execution defendant, and inserting officer in lieu thereof.

Mr. Chapman of L., moved to strike out twenty days and insert six days;

Which did not prevail.

Mr. Hodges moved to postpone indefinitely;

Mr. Montgomery moved to lay said bill and amendments on the table;

Which prevailed.

No. 228—mentioned in said report was read a third time, (the rules being suspended) and passed;

No. 248—mentioned in said report, was ordered to be engrossed for a third reading;

Mr. Runyon made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petitions and remonstrances of sundry citizens of Lake county on the subject of the location of a State road, commencing at or near Spatterdock Lake in said county, have according to order had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee were discharged accordingly.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads to which was referred a resolution directing an enquiry into the expediency of repealing so much of the present road law as allows supervisors to pay out of the county treasury, and to provide for their exemption from road tax, and working on roads for two years as a compensation for their services, have according to order had that subject under consideration, and a majority have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Runyon made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petitions and remonstrances of sundry citizens of Knox county on the subject of a change or vacation of a State road in said county, have according to order had that subject under consideration and have instructed me to report that they deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Hannegan reported back from canals and internal improvement committee, No. 231—a bill to authorize the building of the towing path bridge across the Wabash river;

Which was ordered to be engrossed.

Mr. Wines of A., made the following report:

MR. SPEAKER

The committee on canals and internal improvements to whom was referred the bill for the relief of owners of Wabash and Erie canal lands, have had the same under consideration, and directed me to report it back to the House with the following amendments and recommend their adoption:

The amendments were concurred in and the bill ordered to be engrossed for a third reading.

Mr. Hendricks made the following report:

MR. SPEAKER:

The select committee to whom was referred the petitions of certain citizens of Shelby and Decatur counties, report that the prayer of said petitioners seems to your committee reasonable, and recommend the passage of the following bill:

No. 260—Read a first and second times (the rules being suspended) and referred to the committee on canals and internal improvements.

Mr. Yocum made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill, No. 69, to reorganize the several judicial circuits in this State, have had the same under consideration, made several amendments thereto, as follows, to-wit:

Strike out "Carroll," from the first section, and attach it to the 8th circuit; and "Vermillion" from the seventh section, and attach it to the 1st circuit.

Strike "White county" from the 8th circuit, and attach it to the 1st circuit.

Strike "Hancock" from the 11th circuit, and attach it to the 5th.

Strike "Henry" from the 6th, and attach it to the 11th circuit.

Strike out "Morgan" from the 5th and attach it to the 10th circuit.

Strike out "Davis" from the 10th and attach it to the 7th circuit.

And respectfully ask the concurrence of the House.

Mr. Hoobler moved to strike out "Vermillion county," from the 1st and attach it to the 7th circuit.

On this question, the ayes and noes were demanded by Messrs. Hoobler and Garrigus.

Mr. Saffer moved to indefinitely postpone said bill;

Which prevailed.

Mr. Harding moved to re-consider the vote on ordering bill No. 231, authorising the building of a tow-path bridge across the Wabash, &c.; which prevailed.

The bill was then re-committed to a select committee, consisting of Messrs. Robinson of C., Harding, and Saylor.

Mr. Foulk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition, of sundry citizens of Wayne county, praying for an amendment to an act incorporating the town of Newport, Wayne county, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 261, a bill to amend an act to incorporate the town of Newport, Wayne county, &c.;

Read a first time and passed to a second reading.

The following message was received from the Senate, by Mr. Walpole, a member thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following bill:

No. 259—a bill for the relief of Wm. Alexander, which originated in the House; and also, bill of the Senate, No. 154, entitled, a bill for the relief of borrowers of the loan office fund;

In which the concurrence of the House of Representatives is respectfully requested.

No. 154, mentioned in said message, was read a first, second, and third times, and passed, (the rules being suspended for that purpose).

Mr. Chapman of L., made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Lake county, have had the subject therein mentioned under consideration, and have directed me to report the following bill, and recommend its passage:

No. 262—a bill for the relief of Solomon Russell, late collector of Lake county, &c.;

Read a first and second times, (the rules suspended) and ordered to be engrossed for a third reading.

Mr. Thompson of F., (on leave) introduced the following bill:

No. 263—a bill for the relief of John Tate;

Read a first and second times, (the rules being suspended) and referred to the committee on claims.

The following message was received from the Senate, by Mr. Farquhar, assistant secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bill of the House,

No. 66—for the relief of William McClure, of Franklin county;

With one amendment, and respectfully request the concurrence of the House therein.

The following message was received from the Senate, by Mr. Farquhar, their assistant secretary:

MR. SPEAKER:

I am instructed to inform the House of Representatives, that the Senate continue to insist on their disagreement to the amendment made by the House of Representatives to the joint resolution of the Senate, appointing an agent to examine the State Bank and each and every Branch thereof; and Messrs. Baird and Eggleston are appointed a committee of free conference on the part of the Senate, to act with a similar committee, which the Senate requests may be appointed on the part of the House, to take into consideration the subject matter of such disagreement.

The Senate has concurred in the amendment made by the House of Representatives, to the amendment of the Senate, to bill No. 116, of the House of Representatives, entitled, "an act to provide for the revision of the Laws," approved Feb. 4, 1841.

On motion of Mr. Brown of M.,

The House reciprocated the appointment of a committee of free conference, and Messrs. Henley and Garrigus were appointed said committee.

The following message was received from the Senate, by Mr. Farquhar, their assistant secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

Bill No. 215, for the relief of Samuel H. Bratten.

Mr. Robinson of R., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the House of Representatives and Senate, and find the same correctly enrolled, to-wit:

No. 132—an act to amend an act, entitled, "an act authorising the

appointment of constables, and defining their duties," approved Feb. 17, 1838, and for other purposes;

No. 163—an act to establish a tobacco inspection in the town of Point Commerce, in Greene county;

No. 127—an act to amend an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

No. 115—an act declaring the road from Winslow, in Pike county, to Boonville, in Warrick county, a State road;

No. 111—an act changing the mode of doing county business, in the county of Clay;

No. 98—an act to authorise Nathan Kirk to build a bridge on the Michigan road;

No. 72—an act for the relief of the heirs of Robert Blair;

No. 80—an act to amend certain acts therein named;

No. 85—an act to legalize the election and official acts of the probate judge of the county of Fulton;

No. 118—an act to change the name of Austin Bush;

No. 86—an act to extend the time of holding probate courts in the counties of Jefferson and Washington;

No. 56—an act to provide for the selecting petit jurors in Hendricks county, and for other purposes;

No. 82—an act to change the mode of doing county business in Daviess county;

No. 29—an act for the relief of certain persons therein named;

Mr. Cotton made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined the enrolled with the engrossed, and find it duly enrolled:

No. 259—an act for the relief of William Alexander.

ORDERS OF THE DAY.

No. 90—a bill to repeal an act, entitled, an act to authorise Thomas S. Hinde, to establish a ferry therein named;

Read second time, when Mr. Clark moved to lay it on the table;

Which did not prevail.

The bill was then ordered to be engrossed for a third reading.

No. 112—a joint resolution authorising the distribution of the revised laws of 1838, to Randolph county;

Read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. Marshall,

No. 223, to provide for the continuation of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer.

Mr. Marshall moved to amend said bill as follows:

SEC. 2. Add to the end thereof the following: "*Provided*, That in case application is made for more than one association that such application as proposes to construct the longest continuous line of any unfinished work shall be preferred,"

Which was adopted.

Mr. Henley moved to commit said bill to a committee of the whole House, and make it the order of the day for to-morrow;

Which did not prevail.

Mr. Harding moved to commit it to a select committee of five;

Which was lost.

Mr. Marshall moved to amend as follows:

SEC. 3. Add to the end of the 3d section this, "and in case more stock is subscribed for than is necessary to complete the work proposed by said association, the commissioners shall apportion the same by deducting the excess from the longest subscriptions, so as to make them equal as near as may be."

Which was adopted.

SEC. 61. "Strike out in 3d line, words twenty cents, and insert "one dollar;"

Which was adopted.

SEC. 75. *Provided*, Agents are necessary for any other work than those above enumerated, the treasurer of State shall appoint the same and allow them a reasonable compensation for their services, to be paid in like manner;

Which was adopted.

Add one additional section as follows:

SEC. 76. That so soon as any association shall have been organized under the provisions of this act, and shall have finished ten miles in a continuous line, the finished portion of the work which such association has undertaken to complete, the finished portion of said work belonging to the State shall be placed under the control of said company, and the agent in the foregoing section named, shall be discharged; *Provided*, The said association shall secure to the State the tolls to which she is entitled under this act, on the conditions herein provided, and also keep said road in repair; the State having the power at any time to re-instate the said agent and discharge said company from the control of such finished portion.

Amend 48th section by adding in second line after the word required, "or otherwise than in payment for work done or material furnished for the proper work;"

Which was adopted.

Mr. Shively moved the following as an addition to the 55th section:

"*Provided*, That any company or companies, association or associations may take the Central canal north of Indianapolis, and the Erie and Michigan canal without being required to pay in state bonds or otherwise any sum or sums of money heretofore expended by the State upon said canals;"

Which was adopted.

Mr. Clements moved the following as an additional section:

["Insert this for the 79th section, and make the 79th section the 80th."]

"Sec. 79. The Wabash and Erie canal, the Cross-cut canal, and the southern division of the Central canal, from the Newberry feeder dam to Evansville, shall be considered as one continuous line, and shall be known as the Wabash and Erie Canal."

The ayes and noes were demanded on this question by Messrs. Marsh and Clark.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bradley, Brown of Marion, Chapman of Hancock, Clark, Clements, Cogswell, Cotton, Davis of Floyd, De-frees, Devin, Ellis, Goodenow, Goodhue, Gorman, Grover, Harding, Lingle, May, O'Neill, Peak, Poulson, Shoup, Townsend and Whight—25.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Brown of Dearborn, Chapman of Laporte, Chrisman, Cooley, Coon, Cooper, Davis of Sullivan, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Hackleman, Hannegan, Henley, Hodges, Hoobler, Howard, Hutton, Lee, Leslie, Marsh, Marshall, McAllister, Meeker, Monroe, Montgomery, Myers, Nelson, Norvell, Proctor, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—57.

Mr. Davis of Floyd moved to amend as follows:

"Any company or association undertaking the construction or completion of any turnpike or McAdamized road, or any part thereof, forming part of the general internal improvement system, may complete the same as clay or McAdamized turnpike road, at its option, without refunding to the State the amount in bonds that may have been expended by the State on any such work: *Provided*, no such company or association shall be permitted to take or receive any portion of any turnpike or McAdamized road that is now finished; and so of associations formed for the completion of unfinished portions of any other work contemplated by this act;"

Adopted.

Mr. Hannegan moved to fill the blank in 66th section with "1,000;" Which was adopted.

Mr. Hannegan also moved to fill the blank in the 68th section with "1,200 dollars and travelling expenses."

Mr. Wines of Allen moved to strike out October in the 77th section and insert "December;"

Which was adopted.

Mr. Edwards moved to strike out the 61st section;

Which was lost.

Mr. Clements offered the following amendment:

"Substitute the following for the 79th section, and make the 79th [section] the 80th:

That hereafter the Cross-cut canal and the southern division of the Central canal, from the Newberry feeder to Evansville, shall be one continuous line, and shall be known by the name of the Wabash and Ohio Canal;

Which was adopted.

Mr. Leslie moved to amend as follows:

Insert in 1st section, 12th line, after the word rights, the following: "And subject to the same liens as are exacted."

On this question the ayes and noes were demanded by Messrs. Henley and Leslie.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Davis of Sullivan, Devin, Henley, Leslie, Lingle, Milliken, Poulson, Proctor, Thompson of Noble and Mr. Speaker—11.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Dunbar, Edwards, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Marsh, Marshall, May, McAllister, Meeker, Monroe, Montgomery, Murray, Nelson, Ogden, O'Neill, Peak, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Thompson of Fayette, Tisdale, Townsend, Warriner, Whight, Williamson, Wines of Allen, Wines of Vigo and Yocum—73.

Mr. Henley moved to strike out the 46th section;

And on this question the ayes and noes were demanded by Messrs. Henley and Sayler.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of D., Butler, Chapman of Hancock, Chapman of Laporte, Coon, Davis of Sullivan, Dunbar, Edwards, Foulk, Garrigus, Hackleman, Hendricks, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Monroe, O'Neill, Poulson, Proctor, Rawlings, Robinson of Carroll, Runyon, Saffer, Sayler, Snoddy, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Marion, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Devin, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Grover, Harding, Hodges, Lee, Marsh, Marshall, McAllister, Meeker, Montgomery, Murray, Nelson, Ogden, Peak, Quick, Rannells, Reed, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Sinks, Snook, Thompson of Fayette, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—49.

[On motion, the House adjourned until to-morrow morning, 9 o'clock.]

SATURDAY MORNING, JAN. 15, 1842.

The House met according to adjournment.

The following message was received from the Senate by Mr. Maquire; their secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, each with amendments, entitled as follows:

No. 29, an act to revive and amend an act therein named;

No. 32, an act relating to the jurisdiction of justices of the peace in actions by and against corporations;

No. 194, an act exempting the Vincennes fire company from working roads.

Also, engrossed bills of the Senate entitled,

No. 98, an act to amend an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840;

No. 138, an act to amend an act entitled, "an act for the incorporation of county libraries," approved Feb. 17, 1838;

No. 150, an act giving certain authority to seminary trustees of the county of St. Joseph:

In which bills of the Senate, and amendments of the Senate to bills of the House of Representatives, the concurrence of the House is requested.

Amendments to bills Nos. 29, 32 and 194, mentioned in said message, were severally concurred in.

Bills Nos. 98 and 138, mentioned in said message, were each read a first time and passed to a second reading.

No. 150, mentioned in said message, was read a first and second times, and ordered to be engrossed for a third reading.

Mr. Edwards (on leave) introduced the following preamble and resolution:

WHEREAS, The present session is drawing to a close, and the time yet to expire will not admit of the committee on the state prison to investigate satisfactorily the charges specified by Joseph R. Pratt against John McDougal; and as the committee will have to send some distance, at a heavy expense to the State, for persons and papers concerning said charges, therefore,

Resolved, That the committee on the state prison be and they are hereby instructed to suspend all further proceedings in the investigation of charges specified by Joseph R. Pratt against John McDougal; Which was adopted.

PETITIONS WERE PRESENTED,

By Mr. Graham, of citizens of Warrick and Spencer counties, in relation to a state road;

Referred to a select committee of Messrs. Graham, Whight and Proctor.

By Mr. Lingle, of citizens of Orange county, relative to the New Albany and Vincennes road;

Referred to the committee on canals and internal improvements.

By Mr. Shively, of citizens of Grant and Wabash counties, a remonstrance against the change of a certain state road;

Referred to the committee on roads.

Mr. Robinson of Carroll moved to change the reference of a petition referred to a select committee on yesterday, on the subject of a new county, to the delegation of those counties adjoining the new county.

By Mr. Hoobler, of citizens of Vermillion county, praying a law to regulate the charges of physicians;

Referred to a select committee of Messrs. Hoobler, Snook and Garrigus.

Mr. Ogden moved to reconsider the [vote] on the adoption of the resolution of Mr. Edwards;

And on this question Messrs. Hannegan and Edwards called the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Butler, Chrisman, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Devin, Edwards, Ellis, Foulk, Frink, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Leslie, Lingle, May, McAllister, Milliken, Monroe, Montgomery, Murray, Ogden, O'Neill, Poulson, Rand, Rannells, Reed, Ritchey,

Robinson of Carroll, Rooker, Saffer, Saunders, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Whight, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Defrees, Dunbar, Foley, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Howard, Lee, Marsh, Marshall, Meeker, Mitchell, Myers, Nelson, Norvell, Peak, Proctor, Quick, Rawlings, Robinson of Rush, Runyon, Tisdale, Townsend and Warriner—34.

So said resolution was reconsidered.

Mr. Goodhue moved to amend said resolution as follows: "Require the committee to report whether or not the superintendents should be removed;"

Which was not adopted.

Mr. Hendricks moved the previous question;

Which was seconded by the House.

The question first put was:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit:

Shall the resolution pass?

And on this question the ayes and noes were demanded by Messrs. Murray and Edwards.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Butler, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Devin, Edwards, Ellis, Foulk, Frink, Garrigus, Gilbert, Gorman, Graham, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, May, McAllister, Meeker, Milliken, Murray, Nelson, Norvell, Ogden, O'Neill, Poulson, Quick, Rant, Rannells, Reed, Ritchey, Robinson of Carroll, Saunders, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Whight, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Chapman of Hancock, Chapman of Laporte, Clark, Defrees, Dunbar, Foley, Goodenow, Goodhue, Grover, Hackleman, Harding, Howard, Marshall, Mitchell, Montgomery, Myers, Peak, Proctor, Rawlings, Rooker, Runyon, Saffer, Tisdale, Townsend and Warriner—28.

PETITIONS WERE PRESENTED,

By Mr. Lingle, of citizens of Orange county, praying the legislature to dissolve the Board of Internal Improvement and the Board of Fund Commissioners, &c.;

Referred to the committee of ways and means.

On motion of Mr. Quick,

A petition introduced by him on yesterday, was referred to the select committee for the reorganization of the circuits.

Mr. Thompson of Fayette (on leave) introduced the following bill:

No. 264—A bill.

Mr. Goodenow moved [that] Jefferson county be included in the provisions of said bill,

Which was agreed to.

Mr. Stratton (on leave) introduced bill

No. 265—A bill to equalize the value of lands and improvements thereon in the several counties of this State;

Read a first time, when,

Mr. Marsh moved to reject said bill,

And on this question Messrs. Marsh and Coon called the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Coon, Davis of Sullivan, Devin, Dunbar, Edwards, Ellis, Gorman, Hannegan, Hendricks, Henley, Howard, Lawrence, Leslie, Lingle, Marsh, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Ritchey, Robinson of Carroll, Runyon, Saffer, Shively, Snoddy, Thompson of Noble, Warriner, Whight, Wines of Allen, Yocum and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Brown of Dearborn, Brown of Marion, Clark, Cogswell, Cooley, Cooper, Davis of Floyd, Defrees, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Hoobler, Hutton, Lee, Marshall, Meeker, Milliken, Murray, Nelson, Ogden, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Saunders, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson and Wines of Vigo—48.

Mr. Stratton moved that the [rules be suspended] and the bill be read a second time now.

Messrs. Wines of Allen and O'Neill demanded the ayes and noes on this question:

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Clark, Cogswell, Cooley, Cooper, Davis of Floyd, De-frees, Devin, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goode-now, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Hodges, Hoobler, Hutton, Marshall, Meeker, Millikin, Murray, Nel-son, Ogden, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robin-son of Rush, Saunders, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—53.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Chapman of Hancock, Chapman of Laporte, Clements, Davis of Sullivan, Dun-bar, Edwards, Hannegan, Hendricks, Howard, Lawrence, Lee, Leslie, Lingle, Marsh, May, McAlister, Mitchell, Monroe, Men-tgomery, Myers, Norvell, O'Neill, Peak, Poulson, Ritchey, Robinson of Carroll, Runyon, Saffer, Shively, Snoddy, Thompson of Noble, Warriner, Whight, Yocum and Mr. Speaker—38.

Mr. Davis of Floyd made the following report:

MR. SPEAKER:

The committee on ways and means, to which was referred bill of the House, No. 257, on the subject of confining the voters of Hamil-ton county to their respective townships and for other purposes, have had the same under consideration and instructed me to report the same back to the House and recommend its passage, with one amend-ment, which is to strike out the second section of said bill.

On motion,

The counties of Elkhart, De Kalb, Union, Steuben, Franklin, St. Joseph and Cass were included in the provisions.

The bill was then ordered to be engrossed for a third reading.

Mr. Davis of Floyd made the following report:

MR. SPEAKER:

The committee on ways and means to which was referred bill of the Senate No. 92, to prevent the further sale or hypothecation of Indiana State bonds, have had the same under consideration and in-structed me to report the same back to the House and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Goodenow made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolu-tion of the House, directing an inquiry into the expediency of so amending the revenue laws as that boards doing county business shall not be authorized to levy a county tax of more than double the amount levied for State purposes, have according to order had the same under consideration, and directed me to report that in the opin-ion of the committee any legislation on that subject is inexpedient.

The report was concurred in and the committee discharged.

Mr. Thompson of Fayette made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill No. 252, for the relief of the tax payers of Fayette county, have had that subject under consideration, and have instructed me to report the bill back to the House and recommend its passage,

Which was laid on the table.

The Speaker laid before the House a communication from George H. Dunn, Esq., Treasurer of State, in obedience to a resolution of this House, in relation to —;

Which was laid on the table and 500 copies thereof ordered to be printed.

Also, a communication from the fund commissioner in obedience to a resolution of the House, in relation to advances by the Branch Banks of this State for internal improvement purposes;

Referred to the committee on the State Bank.

Mr. Ogden made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petition of sun-dry citizens of Putnam county, praying for a relocation or change of a portion of the State road leading from Greencastle to Lebanon, as also a remonstrance on the same subject, have had the same under consideration according to order, and have directed me to report that in the opinion of the committee it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Hannegan, from the committee on canals and internal im-provements, reported back Senate bill,

No. 73—An act to incorporate the White Water Valley Canal Company;

With amendments.

Mr. Foulk moved to amend the amendments as follows:

“For twenty years from and after the completion of said Rich-

mond and Brookville Canal; *Provided*, The State of Indiana shall not before that time resume the White Water Canal."

Mr. Ogden moved to recommit to the delegation from Union, Wayne and Franklin counties.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Henley,

Bill No. 177, to repeal an act converting certain funds into bank stock, &c., was taken up.

Mr. Gorman then withdrew his motion to re-consider the vote on the passage of said bill.

Mr. Bradley, (on leave) made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Laporte county, in relation to selecting petit jurors, in said county, have instructed me to report the following bill, and recommend its passage:

No. 266—a bill to provide for the selecting of grand and petit jurors, in Laporte county;

Read first and second times, and ordered to be engrossed for a third reading.

Mr. Bearss asked leave to have his name recorded in the negative, on the passage of the bill,

No. 177—a bill to repeal an act, &c. converting certain funds into bank stock;

Which was granted.

ORDERS OF THE DAY.

No. 142—a bill providing for the payment of a debt due the State Bank, and for the resumption of specie payments,

Was taken up.

The amendment pending, being the motion of Mr. Robinson of G., to strike out said bill from the enacting clause.

Mr. Bradley moved to amend the proposed amendment, by striking out the fourth section, and insert in lieu thereof the following:

Sec. 4. That if on the first day of August, 1842, or at any time thereafter, any Branch of the State Bank shall refuse to redeem any of its notes in gold or silver, it shall be the duty of the State board of directors to close said Branch and wind up the same. And if said State board of directors shall fail to do so, it shall be the duty of the governor to cause a *scire facias* to be issued against said bank, in the manner prescribed in the act establishing the said State Bank, and all further proceeding to be taken thereon, to declare said charter forfeited: *Provided*, That if at or after the first day of August next, the banks of Ohio and Kentucky, Illinois and Michigan, or either of them, shall not have resumed specie payment, and specie shall be demanded by any citizen or resident thereof, or by any person to or for the use of such resident or citizen of such States, a refusal to pay gold or silver upon such demand, shall not be sufficient cause for such writ of *scire facias* to be issued.

And, upon this question, Messrs. Bradley and Clark asked the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bowers, Bradley, Chapman of L., Clark, Clements, Davis of F., Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Myres, Norvell, Ogden, Quick, Rannels, Rawlings, Reed, Robinson of R., Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale, Townsend, Williamson, and Wines of V.—44.

Those who voted in the negative were,

Messrs. Brown of D., Brown of M., Butler, Chapman of H., Chrisman, Cogswell, Cooley, Coon, Davis of S., Dunbar, Foley, Garrigus, Gorman, Graham, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, McAlister, Milliken, Monroe, Nelson, O'Neill, Peak, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Saffer, Shively, Simonson, Snoddy, Snook, Thompson of N. and L., Warriner, Whight, Wines of A., Yocum, and Mr. Speaker—45.

Mr. Edwards moved to amend the amendment as follows:

"*Provided*, That no bank of any State refusing to redeem her notes in specie, shall be entitled to demand and receive of the State Bank or any of her Branches, specie for any of her paper, presented by said bank or agents, either directly or indirectly."

And, upon this question, Messrs. Edwards and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Chapman of

L., Clements, Cogswell, Cooper, Davis of F., Edwards, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Graham, Grover, Hackleman, Hodges, Howard, Lee, Leslie, Marshall, Milliken, Meeker, Montgomery, Murray, Ogden, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, and Wines of V.—45.

Those who voted in the negative were,

Messrs. Bradley, Brown of D., Brown of M., Butler, Chapman of H., Chrisman, Clark, Cooley, Coon, Davis of S., Devin, Dunbar, Garrigus, Gilbert, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, McAlister, Mitchell, Monroe, Myers, Nelson, O'Neill, Peak, Poulson, Ritchey, Robinson of Carroll, Shively, Simonson, Snoddy, Snook, Thompson of F., Thompson of N., Warriner, Whight, Wines of A., Yocum, and Mr. Speaker—46.

Mr. Foley of H., moved to amend the amendment by striking out five per cent. and insert two per cent.,

Which was agreed to.

Mr. Edwards moved to strike out two per cent., and insert quarter per cent.

Mr. Bradley moved to amend as follows,

To strike out all after the word *paid*, in the 5th line, to words, in *liquidation* in 9th line, and insert as follows;

In treasury notes, payable two years after date, bearing two per cent. interest, to be issued as hereinafter provided.

Mr. Cooper moved to lay the whole subject on the table,

Which did not prevail.

The question recurring on the proposition of Mr. Bradley,

The ayes and noes were demanded by Messrs. Bradley and Gorman.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bradley, Clark, Clements, Davis of F., Edwards, Ellis, Goodhue, Grover, Hodges, Howard, Lee, Leslie, Montgomery, Myers, Norvell, Rand, Rannells, Robinson of C., Rooker, Runyon, Saffer, Sinks, Stratton, Tisdale, Townsend, Williamson and Wines of V.—28.

Those who voted in the negative were,

Messrs. Barnett of M., Brown of D., Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Cogswell, Cooley, Coon, Cooper, Davis of S., Defrees, Devin, Dunbar, Foley, Foulk, Frink, Garrigus, Gilbert, Gorman, Hackleman, Hannegan, Harding, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Nelson, Ogden, O'Neill, Peak, Poulson, Proctor, Reed, Ritchey, Robinson of R., Shively,

Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N. and L., Whight, Wines of A., Yocum and Mr. Speaker—58.

Mr. Wines of A., moved to amend as follows:

Strike out of the second section the words "and the commissioner of Wabash and Erie canal;"

Which prevailed.

On motion,

Said bill was laid on the table.

Mr. Robinson of R., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate, and find the same correctly enrolled, to-wit:

No. 154—an act for the relief of the borrowers of the loan office funds of the State of Indiana.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives, and find it correctly enrolled, to-wit:

No. 140—an act for the relief of Hugh and Robert Stewart;

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 153, an act declaring a certain name a misprint, and for other purposes;

No. 168—an act to allow each county in this State to send two students to the State University;

No. 155, an act to change a part of a certain state road in Greene county;

No. 148, an act to change the time of holding the probate courts in Greene county;

No. 153, an act to authorise the appointment of a commissioner in Lebanon, Boone county;

No. 157, an act to provide for a settlement with David Bowers and Banner Lawhead, late commissioners of the White river bridge in Marion county;

No. 239, an act for the relief of George Miller of Johnson county.

No. 215—an act for the relief of Samuel H. Bratton;

No. 174, an act to attach an additional school district to congressional township No. 5, south of range No. 8 west in Warrick county;

No. 167, an act to locate a state road in Union and Franklin counties;

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has on this day approved and signed,

No. 140—an act for the relief of Hugh and Robert Stewart,
Which originated in the House of Representatives.

The following message was received from the Senate by Mr. Farquhar, the assistant Secretary:

MR. SPEAKER:

The Senate has concurred in the amendments of the House of Representatives to the bill of the Senate, No. 13—entitled “an act to repeal parts of a certain act therein named.”

The following message was received from the Governor by his private Secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has on this day approved and signed,

No. 259—an act for the relief of William Alexander;
Which originated in the House of Representatives.

SENATE BILLS ON THIRD READING.

No. 140—a bill for the benefit of the legal heirs of Charles Phillips, deceased;

No. 171—a bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to &c.;

No. 183—a bill to remove the disability of Mary Ann Brewner;

No. 189—a bill to amend an act entitled an act to provide for the selecting of grand and petit jurors;

No. 190—a bill to amend an act entitled an act to authorize certain individuals therein named to build a bridge across the the Kankakee river;

No. 192—a bill to repeal part of an act to provide for a better regulation of the Indiana University;

No. 195—a bill fixing the time of holding courts in the fourth judicial circuit;

No. 196—a bill to authorize an additional term of court in Dearborn county;

No. 198—a joint resolution relative to the harbor of St. Joseph at Lake Michigan;

No. 203—a bill to vacate the town of Richardville;

No. 204—a bill to vacate a part of a certain State road therein named, and to declare a certain portion of a county road a State road;

No. 207—a bill incorporating the Delphi storage and forwarding company;

No. 208—a bill defining the Southern boundary of Miami county, and to organize the county of Tipton;

Which bills were each read a third time and passed.

No. 186—a bill to regulate the duties of county assessors;

Read a third time and laid on the table.

No. 242—a joint resolution authorizing the board of Internal Improvement to settle with contractors;

Read a third time and failed.

Mr. Bradley moved to reconsider the vote on said joint resolution;

Which prevailed.

Said joint resolution then passed.

On motion,

The House adjourned till Monday morning 9 o'clock.

MONDAY MORNING JAN. 17, 1842.

The House met according to adjournment.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, No. 118, entitled,

A bill to prevent the forfeiture of school lands, and for other purposes;

With one amendment.

Also, an engrossed bill of the Senate, entitled,

No. 136—An act to provide for the election of a commissioner on the Wabash and Erie Canal, west of the Tippecanoe river;

In which bill of the Senate and amendment made to the bill of the House, the concurrence of the House is respectfully requested.

The amendment to bill No. 118, mentioned in said message was concurred in.

No. 136, mentioned in said message, was read a first and second

times (rules suspended) and referred to the committee on canals and internal improvements.

Mr. Hendricks (on leave) introduced a bill,

No. 267—To provide for the return of process, &c., in [the] Shelby circuit court, for March term, 1842.

The rules were suspended and said bill read three several times and passed.

Mr. Hannegan (on leave) introduced bill.

No. 268—A bill to fix the time of holding courts in the county of Fountain.

The rules were suspended and the bill read three several times and passed.

Mr. Quick (on leave) introduced bill,

No. 269—To amend an act entitled an act to fix the times of holding courts in the fifth judicial circuit, &c.;

The bill was read a first and second times, when,

Mr. Brown of Marion moved to amend the bill as follows:

"The courts in Morgan county shall be [held on] the succeeding Monday after the court in Bartholomew;"

The rules were suspended and read a third time and passed.

Mr. Yocum (on leave) introduced the following bill:

No. 270—A bill to extend the time of holding the Circuit Courts in Clay [county];

Read a first and second times (rules suspended) and referred to a committee of the delegation from Clay and Vigo.

By Mr. Milliken (on leave,)

No. 271—A bill to lengthen the terms of Courts in Dearborn county;

The rules were suspended and the bill read three several times and passed.

PETITIONS WERE PRESENTED,

By Mr. Edwards, of Thomas W. Fox and others, officers in the 23d regiment (I. M.) for a change in the militia laws;

Referred to the committee on military affairs.

Also, of 32 citizens of Crawford county, praying a memorial to Congress for the repeal of the bankrupt law;

Referred to the committee on federal relations.

By Mr. Brown of Marion, the petition of sundry citizens of Marion county, for the establishment of a State road in said county;

Referred to a select committee consisting of Messrs. Brown of Marion, Cogswell and Mitchell.

By Mr. Yocum, two several petitions of citizens of Clay county, on the subject of State roads;

Referred to a select committee of Messrs. Yocum, Snoddy and Frink.

Mr. McAlister presented the petition of John Davis and others,

praying for a change in the time of holding the Circuit Court in Madison county;

Referred to a select committee of Messrs. McAlister, Butler and Rooker.

By Mr. May, the petitions of citizens of Washington county, asking a change in the mode of doing county business;

Referred to a select committee consisting of Messrs. May, Monroe and Henley.

By Mr. Wines of Vigo, of citizens of Vigo county, remonstrating against the establishment of a new county;

Referred to the same committee to which petitions on [the same subject] have been referred.

By Mr. Mitchell, of citizens of Elkhart county, praying for the passage of an act repealing all laws for coercing the collection of debts, &c.;

By Mr. Simonson, the petition of citizens of Clark county, praying a change of the law licensing groceries;

Referred to the committee of ways and means.

Also, of sundry citizens of Silver Creek township, Clark county, praying for an additional justice of the peace in said township;

Referred to a select committee consisting of Messrs. Simonson, Henley and Davis of Floyd.

By Mr. Murray, of citizens of Adams and Wells counties, on the subject of State roads in said counties;

Referred to a select committee of Messrs. Murray, ———

By Mr. Leslie, of citizens of Harrison county, in relation to the law taxing dogs;

Laid on [the] table.

On motion of Mr. Robinson of Carroll,

The previous orders of the day were suspended for the purpose of introducing bills.

BILLS WERE INTRODUCED,

By Mr. Robinson of Carroll; No. 272, relative to licensing groceries in the county of Carroll;

Read a first and second times (rules suspended) and ordered to be engrossed for a third reading.

Also—

No. 273—A bill to vacate part of Grimes' addition to the town of Delphi;

Read a first and second times (rules suspended) and ordered to be engrossed for a third reading.

By Mr. Bearss; No. 274, a bill to incorporate the Peru Bridge Company;

Read a first and second times (rules suspended) and referred to the committee on corporations.

By Mr. May; No. 275, a bill to amend an act entitled an act to

authorize the election of a justice of the peace, &c., in Fredericksburgh, Washington county, &c.;

Read a first time and passed to a second reading.

By Mr. Thompson of Fayette; No. 276, a bill for the relief of Harvey Laseur and S. S. Vickey;

Read a first and second times (rules suspended) and referred to the committee on canals and internal improvements.

By Mr. Clark; No. 277, a bill for the preservation of the Southern division of the Central Canal;

Read a first and second times (rules suspended) and referred to the committee on canals and internal improvements.

Also—

No. 278—A bill to provide for the partition of the real estate of Joseph McAlister of Vanderburgh county;

Read a first and second times (the rules being suspended) and referred to a select committee of Messrs. Clark, Lee and Devin.

By Mr. Bearss; A bill to locate a State road from Peru to Noblesville;

Read a first and second times (rules suspended) and referred to the committee on roads.

By Mr. Myers; No. 280, a bill relative to the board of county commissioners of Knox county;

Read a first and second times (rules suspended) and ordered to be engrossed for a third reading.

By Mr. Defrees; No. 281, a bill to amend an act entitled an act directing the mode of suing out and prosecuting writs of *habeas corpus*;

Read a first and second times and referred to the judiciary committee.

By Mr. Brown of Marion; No. 282, a bill to regulate the fees of Notaries Public;

Read a first and second times and ordered to be engrossed for a third reading.

By Mr. Lingle; No. 283, a bill to amend an act entitled an act to provide for the sale of certain lands therein named, &c.;

Read a first and second times (rules suspended) and referred to the committee of ways and means.

By Mr. Chapman of Laporte; No. 284, a bill to amend [an act] relative to crime and punishment, &c.;

Read a first and second times (rules suspended) and referred to the judiciary committee.

By Mr. Chapman of Hancock; No. 285, a bill to legalize—therein specified;

Read a first time and passed to a second reading.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred the petition

of the board of county commissioners of Dearborn county, stating that by an act of the Legislature, approved, Feb. 22d, 1840, the right to build a bridge across South Hogan in said county, was granted to Isaac Hancock, with the privilege of taking such tolls for the use of said bridge as said commissioners should direct, and providing that that act should not be in force until assented to by said board, and that the board in accordance with that provision of the act assented to it. That subsequently the Legislature passed another act allowing said Hancock to charge tolls without the consent of said board, and under the last act the bridge was erected. The petition prays for a repeal of the last act. Also, a remonstrance on the same subject—have had that subject under consideration and have directed me to report, that by the first act a right to build the bridge was given to Hancock, on condition that the said board would assent to the law; and a right to collect tolls to be limited and fixed by the same board—This act vested no rights in the commissioners which could not be divested—It only attached a condition to the exercise of the rights granted Hancock, and provided the means of defining the extent of the right to charge and receive tolls. The last act gave him the same rights discharged of the condition, and permitted him to fix his own tolls. The committee think this last act being passed by the Legislature and acceded to by Hancock is a contract and cannot be repealed,—and the former act was also a contract, to which the State and Hancock alone were parties and being rescinded by the consent of both the contracting parties, is no longer binding on either. The committee therefore, think it inexpedient to legislate on the subject and ask to be discharged from the further consideration thereof,

Which was concurred in, and the committee discharged.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred a bill of the House, No. 83, and also, a bill of the House, No. 201, have had those subjects under consideration and have directed me to report the same back to the House without amendment, and recommend their indefinite postponement.

On the question of concurring with the committee and the indefinite postponement of said bill, Messrs. Bradley and Chapman of H., demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of M., Bowers, Brown of D., Butler, Chapman of L., Coon, Cooper, Davis of F., Defrees, Dunbar, Edwards, Ellis, Goodenow, Gorman, Grover, Hannegan, Harding, Henley, Leslie, Marsh, May, McAlister, Meeker, Montgomery, Murray, Nelson, Poulson, Quick, Reed, Ritchey, Robinson of C., Runyon, Saunders,

Shively, Snook, Thompson of F., Thompson of N., Tisdale, Warri-
ner, Wines of A., Wines of V.—41.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Bradley, Chapman of H., Chrisman,
Clark, Clements, Cooley, Davis of S., Devin, Foley, Frink, Garrigus,
Gilbert, Goodhue, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee,
Lingle, Milliken, Monroe, Norvell, Ogden, O'Neill, Peak, Proctor,
Rand, Rannells, Robinson of Rush, Rooker, Saffer, Shoup, Simonson,
Sinks, Snoddy, Stratton, Townsend, Williamson, Yocum, and Mr.
Speaker—43.

Said bill was then laid on the table.

Bill No. 210, mentioned in said report, was indefinitely postponed.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the Judiciary to which was referred the petition
of Jonah Powell and others, praying that prosecuting witnesses in state
cases may be liable for the costs in case conviction is not obtained, have
had that subject under consideration, and have directed me to report,
that it is inexpedient to legislate on that subject; and ask to be dis-
charged from the further consideration thereof.

Which was concurred in, and the committee discharged,

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill of
the House No. 50, entitled, a bill for the prevention of usury, have
had that subject under consideration, and have directed me to report
the same back to the House with the following amendments.

The two first amendments to said bill were concurred in, when,

On motion of Mr. Brown of Marion,

The whole subject was referred to a select committee of Messrs.
Brown of Marion, Chapman of Hancock and Hannegan.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition
of Stephen Ludlow, praying that further time may be allowed the
Lawrenceburgh and Indianapolis company to settle their affairs, have
had that subject under consideration, and have directed me to report
the following bill:

No. 286, a bill to amend an act entitled, &c., to allow further time
to the Lawrenceburgh and Indianapolis Railroad company to settle up
and close their affairs, &c.;

Read a first time, and passed to a second reading.
Mr. Chapman of Laporte made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill from the
Senate No. 23, entitled a bill to amend an act entitled an act concern-
ing proceedings in ejectment, and for the relief of occupying claimants
of land, approved January 13, 1831, have had the same under consid-
eration, and in accordance with their instructions have directed me to
report the following amendments and recommend their adoption.

The question being on concurring in said report,

Messrs. Hoobler and Mitchell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Chapman of Laporte, Clark, Davis of Floyd, Defrees, Devin,
Edwards, Ellis, Hackleman, Lee, Murray, Robinson of Carroll, Shoup,
Stratton and Wines of Allen—14.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss,
Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chap-
man of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper,
Cotton, Davis of Sullivan, Dunbar, Foley, Frink, Garrigus, Gilbert,
Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks,
Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle,
Marsh, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Mont-
gomery, Myers, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proc-
tor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of
Rush, Rooker, Runyon, Saffer, Saunders, Shively, Simonson, Sinks,
Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale,
Townsend, Williamson, Wines of Vigo, Yocum and Mr. Speaker—77.

So said report was not concurred in.

On motion of Mr. Henley,

Said bill was considered as engrossed and read a third time and
passed.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads, to which was referred several resolutions
of the House, herewith returned, have had the same under considera-
tion, and have instructed me to report the following bill:

No. 287, a bill further to amend an act entitled an act relating to
public roads and highways;

Read a first time, and passed to second a reading.

Mr. Runyon made the following report:

MR. SPEAKER :

The committee on roads, to which was referred a bill of the House No. 254, declaring a county road a state road, have, according to order, had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Goodhue made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill No. 249, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and ask the concurrence of the House therein.

Said bill with the proposed amendments were laid on the table.

Mr. Montgomery made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of sundry citizens of Floyd county, in relation to a certain manufacture therein named, have had the same under consideration, and directed me to report the accompanying bill :

No. 288, a bill to incorporate the New Albany Patent Bagging Manufacturing company ;

Read a first and second times. (rules being suspended) when

Mr. Garrigus moved to amend by striking out two-thirds and inserting a majority ;

Which was agreed to.

The bill was ordered to be engrossed for a third reading.

Mr. Henley made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a bill of the House No. 122, entitled a bill to reduce the compensation of members of the General Assembly, and to provide for the administration of the Government upon principles of strict economy, have directed me to report the same back to the House with one amendment, which is to strike it out from the enacting clause and insert the following.

Mr. Hendricks moved to re-commit said bill to the committee of ways and means.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Cooper moved that the House proceed to the election of a bank director on the part of the State, in the room of Jacob Walker, whose term of service has expired ;

[Which] was agreed to.

Mr. Brown of Marion moved a call of the House ;

Which was ordered

After the roll was called through, the further call was suspended.

The lobbies were cleared, and the House, with closed doors, proceeded to the election of a bank director—Messrs. Dunbar and Murray acting as tellers.

On counting the first ballot it appeared that

Jacob Walker had received	48 votes.
Alexander Burnett	32 "
Mr. Ellston	7 "
Scattering,	7 "

Jacob Walker having received a majority of all the votes given, was declared duly elected on the part of the House.

Ordered, That the clerk, by sealed message, inform the Senate thereof.

The following sealed message was received from the Senate, by Mr. Maguire, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that, at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing a bank director of the State Bank of Indiana, to fill the vacancy which will be occasioned by the expiration of the term of service of Jacob Walker, Esq., during the present session of the General Assembly, the doors of the Senate being closed, Jacob Walker was declared duly elected on the part of the Senate to fill the vacancy, which will be occasioned by the expiration of the term of service of said Jacob Walker, Esq.

Attest,

D. MAGUIRE, Principal Sec'y.

Mr. Bradley made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of John Brown, in relation to a mistake in a certain assessment therein named, and praying relief, have instructed me to report the following bill, and recommend its passage :

No. 289,—a bill for the relief of John Brown;

Read first and second times, (the rules having been suspended) and ordered to be engrossed for a third reading.

On motion of Mr. Hannegan,

The previous orders of the day were suspended, and the House took from the table bill No. 73, a bill to incorporate the White Water Valley Canal Company, with the amendments proposed by the committee on canals and internal improvements.

The first and second amendments proposed, were then disagreed to.

The third amendment of said committee to the bill was then concurred in.

Mr. Milliken moved to amend the bill as follow:

"*Provided however*, That said company shall be bound to keep said White Water canal in repair, and furnish the water for all water power sold by the State on said canal, from the Ohio river to the point of completion;"

Which was adopted.

The bill was then considered as engrossed, read a third time and passed.

Mr. Simonson (on leave) made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Silver creek township, in Clark county, praying for an additional justice of the peace in said township, have had the same under consideration, and directed me to report the following bill:

No. 290—a bill to provide for the election of an additional justice of the peace in Silver creek township, Clark county;

Read a first time and passed to a second reading.

Mr. Harding made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 231, have had the same under consideration, and have directed me to report the same back to the House with two amendments, and one additional section, and ask the concurrence of the House therein, and recommend the passage of the bill.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Robinson of R. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did, on this day, present to his excellency the Governor, for his approval and signature, the following entitled bills of the Senate, to-wit:

No. 29—an act for the relief of certain persons therein named:

No. 56—an act to provide for selecting petit jurors in Hendricks county, and for other purposes;

No. 72—an act for the relief of the heirs of Robert Blair deceased;

No. 80—an act to amend certain acts therein named;

No. 82—an act to change the mode of doing county business in Daviess county;

No. 85—an act to legalize the election and official acts of the probate judge of the county of Fulton;

No. 86—an act to extend the time of holding probate courts in the counties of Jefferson and Washington;

No. 118—an act to change the name of Austin Bush;

Also, the following enrolled bill of the House, of Representatives, to-wit:

No. 98—an act to authorize Nathan Kirk to build a bridge on the Michigan road;

No. 111—an act changing the mode of doing county business, in the county of Clay;

No. 115—an act declaring the road from Winslow, in Pike county, to Boonville, in Warrick county, a State road;

No. 127—an act to amend an act pointing out the mode of levying taxes, approved Feb. 12, 1841;

No. 132—an act to amend an act, entitled, "an act authorising the appointment of constables, and defining their duties," approved Feb. 17, 1838, and for other purposes;

No. 163—an act to establish a tobacco inspection in the town of Point Commerce, in Greene county.

The following message was received from the Governor by his private Secretary Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has on this day approved and signed the following acts:

No. 111—an act changing the mode of doing county business in the county of Clay;

No. 98—an act to authorize Nathan Kirk to build a bridge on the Michigan Road;

No. 115—an act declaring the road from Winslow in Pike county, to Boonville in Warrick county, a State road;

No. 127—an act to amend "an act pointing out the mode of levying taxes" approved, February 12th, 1841;

No. 163—an act to establish a tobacco inspection in the town of Point Commerce, in Greene county;

No. 132—an act to amend an act entitled "an act authorizing the appointment of Constables, and defining their duties" approved, February 17, 1838, and for other purposes;

No. 239—an act for the relief of George Miller of Johnson county;

No. 161—an act to allow each county in this State to send two students to the State University;

No. 148—an act to change the time of holding the Probate Courts in Greene county;

No. 215—an act for the relief of Samuel H. Bratten;

No. 174—an act to attach an additional school district to congressional township No. 5, south, of range No. 8 west, in Warrick county;

No. 167—an act to locate a State road in Union and Franklin counties;

No. 155—an act to change a part of a certain State road in Greene county;

No. 173—an act to amend the act entitled, "an act to amend and revise the act entitled an act to incorporate the several townships, in the county of Dearborn" approved, Feb. 7th, 1825, and for other purposes;

No. 157—an act to provide for a settlement with David Bowers, and Banner Lawhead, late commissioners of the White river bridge, in Marion county;

No. 153—an act to authorize the appointment of a commissioner in Lebanon, Boone county;

No. 158—an act declaring a certain name a misprint, and for other purposes;

All of which originated in the House of Representatives.

Mr. Cotton made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared the following enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled.

No. 66—an act for the relief of William McClure of Franklin county;

No. 116—an act supplemental to an act entitled an act to provide for the Revision of the Laws, approved, Feb. 4th, 1841.

No. 194—an act exempting the Vincennes Fire Company from working on roads.

No. 32—an act relating to the jurisdiction of Justices of the Peace in actions by and against corporations;

No. 29—an act to revive and amend an act therein named.

And the following bills originating in the Senate:

No. 94—an act to legalize the election and official acts of John J. Deming, Probate Judge of the county of St. Joseph, Indiana;

No. 13—an act to prohibit the amalgamation of whites and blacks.

Mr. Cotton made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives and find them correctly enrolled, to-wit:

No. 118—an act to prevent the forfeiture of school lands, and for other purposes;

No. 267—an act to provide for the return of process, &c., in the Shelby circuit court for March term in 1842.

The following message was received from the Senate by Mr. Nickel, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, the following bill:

No. 267—to provide for the return of process, &c., in the Shelby circuit court for March term, 1842;

On motion of Mr. Brown of M.,

No. 223—a bill to provide for the continuation of the construction &c. of the public works.

Mr. Brown of M., moved to strike out the 49th section, and insert the following:

When any real estate shall have been subscribed as stock in any such association, and shall have conveyed thereto, as herein provided such board of directors shall issue from time to time, on such real estate in payment for labor and services performed, and materials furnished on account of such work, an amount of scrip equal in all to the appraised value of such real estate, so conveyed as aforesaid specifying in such scrip, the amount for which it is issued, and that it is receivable from the holder in the entry and payment of the lands, thus conveyed to such associations, in the manner in this act specified; *Provided, however,* That nothing in this act shall be so construed as to confer on any such association any banking powers;

Which was adopted.

Mr. Brown of M., moved to insert at the end of the 47th section as follows:

"Had all scrip issued by any such association according to the provisions of this act, shall constitute in the hands of the holders thereof, a lien upon every part and parcel of such real estate subscribed and conveyed as stock as aforesaid, except such parts and parcels thereof as have been, or may thereafter be entered and paid for in scrip, as herein provided, and such lien shall have preference over all debts and mortgages, judgments, liabilities and other liens of whatsoever date and character against any such association;

Which was agreed to.

Mr. Marshall moved to amend the 52, section as follows:

Amend the 52 section by striking out the word destroyed in the third line, and add to the fifth line the following, "but shall be returned to the treasurer of State, and by him destroyed, and so entered on the register;"

Which was agreed to.

Mr. Marshall moved to amend as follows:

Amend the 76th section by striking out all after the word settle in the fifth line, and insert the following viz: "with the treasurer of State and pay over to him all moneys in his hands in the same manner at

the same times that the officer now required to perform the same duties is required to make settlement;"

Which was agreed to.

Mr. Davis of F., moved to amend as follows:

"At the end of 57th section, *Provided*, That nothing in this act contained shall prevent any company from undertaking, and completing the road from New Albany to Jeffersonville, and from erecting toll gates thereon, and regulating the tolls thereon as is in this bill provided;

Which was adopted.

Mr. Edwards moved to amend as follows:

Strike out in the 57th section all after the word "receive," in the fifth line to the word provided in the 10th line, and insert the following:

Out of the rents, tolls and profits of said work after deducting there from the expenses of repairs, and all other expenses incident to the use of such work an equal amount of the net profits arising out of said work in proportion to the number of miles constructed and finished by said association, as provided for by this act, and the number of miles constructed and finished by the State; *Provided*, That said association shall not be entitled to or receive more than eight per cent. annually on the amount expended on said work, the overplus to be paid into the treasury of State by the agent having charge of said work;

Mr. Montgomery moved to amend the amendment as follows:

Strike out the words "in proportion to the number of miles constructed, and insert in proportion to the amount expended by the State of Indiana, and said association;"

Which was lost.

The question recurring on Mr. Edwards proposed amendment,

The ayes and noes were demanded by Messrs. Edwards and Leslie.

Those who voted in the affirmative were,

Messrs. Barnett of L., Chapman of H., Cotton, Davis of S., Dunbar, Edwards, Foley, Foulk, Garrigus, Henley, Howard, Hutton, Lawrence, Leslie, Lingle, May, Milliken, Mitchell, Monroe, Montgomery, Myers, O'Neill, Poulson, Proctor, Rand, Rawlings, Robinson of C., Runyon, Saffer, Simonson, Snoddy, Thompson of N., Tisdale, Williamson, Wines of A., and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Barnett of M., Bowers, Bradley, Brown of D., Brown of M., Butler, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Defrees, Devin, Ellis, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Murray, Nelson, Norvell, Ogden, Peak, Quick, Rannells,

Reed, Ritchey, Robinson of R., Rooker, Saunders, Shively, Shoup, Sinks, Snook, Stratton, Thompson of F., Townsend, Warriner, Wines of V., and Yocum—57.

Mr. Chapman of H., moved to amend as follows:

Sec. 55. And which was sold according to law for a valuable consideration;

Which was adopted.

Mr. Foley moved to amend as follows:

Sec. 70. *Provided*, That said agent shall not apply any other funds in payment or liquidation of any such bonds other than may be realized from such property or securities held by the State on account of such bonds;

Which was adopted.

Mr. Goodhue moved to amend the bill as follows to-wit:

Sec. 47. *Provided*, Such endorsement shall in no way bind the State of Indiana, to redeem the same, and;

Which was adopted.

Mr. Edwards moved to amend as follows:

That the legislature reserves the right to control forever the portion of the work or works contemplated in this bill now finished or hereafter to be finished by said State, so long as the State may own the same.

And on this question Messrs. Edwards and Leslie called the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bradley, Chapman of H., Coon, Cotton, Davis of S., Devin, Dunbar, Edwards, Ellis, Foulke, Frink, Garrigus, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Milliken, Mitchell, Monroe, Montgomery, Myers, Nelson, O'Neill, Poulson, Proctor, Rand, Rawlings, Robinson of C., Runyon, Saffer, Snoddy, Thompson of N., Warriner, Wines of A., Yocum and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Bowers, Brown of D., Brown of M., Butler, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of F., Defrees, Foley, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Lee, Marshall, Matheny, McAlister, Meeker, Murray, Norvell, Ogden, Peak, Quick, Rannells, Reed, Ritchey, Robinson of R., Rooker, Saunders, Shively, Shoup, Sinks, Snook, Stratton, Thompson of F., Tisdale, Townsend, Williamson and Wines of V.,—50.

Mr. Edwards [moved] to amend the bill as follows, to-wit:

"That the legislature reserves the right to alter or amend this act after the expiration of ten years, so far as to that portion of works

contemplated in this bill, now finished or hereafter to be finished or owned by the State."

Pending this,

Mr. Cogswell moved the previous question;

Which was seconded by the House.

The question first put was, Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill be engrossed?

And on this question Messrs. Edwards and Garrigus demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Defrees, Devin, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Murray, Ogden, O'Neill, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Saunders, Shively, Shoup, Sinks, Stratton, Thompson of F., Townsend, Williamson, Wines of Vigo—54.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Coon, Cotton, Davis of Sullivan, Dunbar, Edwards, Garrigus, Hutton, Lawrence, Leslie, Lingle, Milliken, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Poulson, Proctor, Rand, Ritchey, Robinson of C., Runyon, Saffer, Snoddy, Snook, Thompson of N., Tisdale, Wariner, Wines of Allen, Yocum and Mr. Speaker—35.

The next question put was,

Shall the bill be read a third time now?

And on this question the ayes and noes were demanded by Messrs. Garrigus and Edwards:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Marion, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hodges, Hoobler, Lee, Marshall, Matheny, May, McAlister, Meeker, Milliken, Monroe, Murray, Nelson, Norvell, Ogden, Peak, Poulson, Quick, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Townsend, Williamson, Wines of Vigo and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Coon, Cotton, Davis of Sullivan, Defrees, Deming, Dunbar, Edwards, Foulk, Garrigus, Hendricks, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Mitchell, Montgomery, Myers, O'Neill, Proctor, Rand, Robinson of Carroll, Runyon, Saffer, Snoddy, Thompson of Noble, Tisdale, Wines of Allen, and Yocum—32.

Mr. Edwards moved to refer said bill to a committee of one;

And on this question Messrs. Edwards and Leslie demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Coon, Cotton, Davis of Sullivan, Defrees, Dunbar, Edwards, Ellis, Foulk, Garrigus, Hackleman, Hoobler, Howard, Lawrence, Leslie, Milliken, Mitchell, Montgomery, Myers, Nelson, O'Neill, Poulson, Proctor, Rand, Rannells, Robinson of Carroll, Runyon, Saffer, Snoddy, Snook, Thompson of Noble, Wines of Allen, Yocum and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Devin, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Hutton, Lee, Marsh, Marshall, Matheny, May, McAlister, Meeker, Monroe, Murray, Ogden, Peak, Quick, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson and Wines of Vigo—53.

Mr. Montgomery moved to lay the bill on the table.

And on this question Messrs. Leslie and Montgomery called the ayes and noes:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Coon, Cotton, Davis of Sullivan, Devin, Dunbar, Edwards, Foulk, Garrigus, Hackleman, Hendricks, Hoobler, Howard, Hutton, Lawrence, Leslie, Milliken, Mitchell, Montgomery, Myers, O'Neill, Poulson, Proctor, Robinson of Carroll, Runyon, Saffer, Snoddy, Thompson of Noble, Tisdale, Wines of Allen, and Yocum—31.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Chapman of Hancock, Chapman

of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hodges, Lee, Marsh, Marshall, Matheny, May, McAlister, Meeker, Monroe, Murray, Nelson, Norvell, Ogden, Peak, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Townsend, Williamson, Wines of Vigo and Mr. Speaker—57.

Mr. Nelson moved the previous question;

Which was seconded by the House.

The first question put was,

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to-wit: Shall the bill pass?

And on this question the ayes and noes were demanded by Messrs Garrigus and O'Neill:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Devin, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Mitchell, Murray, Norvell, Ogden, Peak, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Sinks, Stratton, Thompson of Fayette, Townsend, Williamson and Wines of Vigo—54.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Coon, Cotton, Davis of Sullivan, Defrees, Dunbar, Edwards, Garrigus, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Monroe, Montgomery, Myers, Nelson, O'Neill, Poulson, Proctor, Robinson of Carroll, Runyon, Saffer, Snoddy, Snook, Thompson of Noble, Tisdale, Wines of Allen, Yocum and Mr. Speaker—33.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, JAN. 18, 1842.

The House met according to adjournment.

Mr. Gorman presented the proceedings of a public meeting of the citizens of Monroe county, on the subject of abolishing imprisonment for debt, and a stay law, &c.;

Referred to the judiciary committee.

On motion,

The previous orders of the day were suspended, when Mr. Mitchell moved that the vote on the passage of the bill [No.] 223, a bill to provide for the continuation of the construction of any or all of the public works in this State be re-considered.

After debate, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The House resumed the consideration of the question of re-considering the vote on the passage of bill No. 223, pending when the House adjourned.

On the question, Shall the said bill be re-considered, the ayes and noes were demanded by Messrs. Mitchell and Garrigus.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Coon, Cotton, Davis of Sullivan, Defrees, Devin, Dunbar, Edwards, Foulk, Hackleman, Leslie, Lingle, Mitchell, Montgomery, Norvell, O'Neill, Poulson, Proctor, Rannells, Robinson of Carroll, Robinson of Rush, Runyon, Saunders, Sayler, Simonson, Snoddy, Thompson of Noble, Tisdale, Williamson, Wines of Allen and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, McAlister Meeker, Monroe, Murray, Nelson, Ogden, Peak, Quick, Rand, Rawlings, Reed, Ritchey, Rooker, Saffer, Shively, Shoup, Sinks,

Snook, Stratton, Thompson of Fayette, Townsend, Wines of Vigo and Yocum—56.

So said bill was not re-considered.

The following message was received from the Senate by Mr. Maquire, their secretary :

Mr. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its disagreement to the amendment made by the House to the joint resolution of the Senate No. 63, entitled "a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every Branch thereof."

Mr. Hendricks moved to suspend previous orders of the day and take up [the] bill to allow further time to the Lawrenceburgh and Indianapolis Railroad Company to settle up their affairs ;

Which did not prevail.

Mr. Henley, from a committee on free conference, made the following report :

Mr. SPEAKER :

The committee of free conference, appointed to take into consideration the disagreeing vote of the two Houses in relation to the appointment of a bank examiner, have interchanged opinions on that subject, but having been unable to agree, now report that fact to the House for its action.

The Senate having receded from their disagreement to the amendment of the House, no further proceeding was had.

The following message was received from the Senate by Mr. Elliott, a member :

Mr. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the amendment of the House to the engrossed bill of the Senate No. 73, an act to incorporate the White-water Valley Canal Company.

The following message was received from the Governor, by his private secretary, Mr. Kiersted :

Mr. SPEAKER :

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed the following acts :

No. 118, an act to prevent the forfeiture of school lands, and for other purposes ;

No. 267, an act to provide for the return of process, &c. in the Shelby circuit court for March term, 1842 ;

No. 192, an act exempting the Vincennes fire company from working roads ;

No. 32, an act relating to the jurisdiction of justices of the peace in actions by and against corporations ;

No. 66, an act for the relief of William McClure of Franklin county ;

No. 29, an act to revive and amend an act therein named ;

No. 116, an act supplemental to an act entitled "an act to provide for the revision of the laws," approved February 4, 1841 ;

All of which originated in the House of Representatives.

The previous orders of the day were further suspended, and the House proceeded to the consideration of

BILLS ON THIRD READING.

Senate Bills :

No. 28, a bill to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, &c. ;

No. 70, a bill authorising the State Treasurer to collect and pay over to the counties of De Kalb, &c. that portion of the surplus revenue to which the same are entitled ;

No. 99, a bill to fix the fees of sheriffs in certain cases therein named ;

No. 123, a bill giving further time to assessors ;

No. 30, a bill to compel speculators to pay a road tax equal to that paid by actual settlers ;

Mr. Bearss moved to amend as follows ;

Adopted.

No. 100, a bill for the relief of John W. Hitt and others ;

No. 104, a bill to amend an act entitled an act pointing out the mode of levying taxes ;

No. 105, a bill to amend an act entitled an act for the preservation of sheep ;

No. 108, a bill to amend an act entitled an act more effectually to secure the purity of elections, &c. ;

No. 125, a bill giving the collector of Decatur county for the year 1840 further time to collect the balance due said county ;

No. 145, a bill relating to the Vevay seminary ;

No. 20, a bill for the relief of owners of Wabash and Erie canal lands ;

No. 45, a bill for the further relief of the purchasers of the seminary lands in the counties of Gibson and Monroe ;

No. 58—a bill to amend an act, entitled, an act to revise and amend an act, incorporating Congressional townships, &c. ;

No. 122—a bill to review and re-locate so much of the State road from Fredonia to the mouth of the Wabash, as lies in Warrick county.

HOUSE BILLS.

No. 266—a bill to provide for the selecting petit jurors in Laporte county;

No. 257—a bill to confine voters within their respective townships in certain counties therein named;

Which bills were each read a third time and passed.

No. 191—a bill to provide for the election of prosecuting attorneys by the people.

Mr. Chapman of H., moved to amend as follows:

Strike out all that part which relates to payments by the county.

Mr. Goodhue moved to lay the bill and proposed amendments on the table.

And on this question the ayes and noes were demanded by Messrs. Robinson of C. and Edwards.

Those who voted in the affirmative were,

Messrs. Bowers, Brown of M., Chrisman, Clements, Cooper, Cotton, Edwards, Foulk, Goodhue, Hannegan, Harding, Henley, Hodges, Howard, Leslie, Marsh, McAlister, Mitchell, Montgomery, O'Neill, Poulson, Rand, Rawlings, Reed, Saffer, Saunders, Snoddy, Stratton, and Tisdale—29.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Brown of D., Chapman of H., Chapman of Laporte, Clark, Cogswell, Cooley, Coon, Defrees, Devin, Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Gooderow, Grover, Hackleman, Hendricks, Hoobler, Hutton, Lawrence, Lee, Lingle, Marshall, Matheny, May, Meeker, Milliken, Monroe, Murray, Nelson, Peak, Proctor, Quick, Rannells, Ritchey, Robinson of C., Robinson of Rush, Rooker, Runyon, Sayler, Shively, Simonson, Sinks, Snook, Thompson of F., Thompson of N. and L., Townsend, Warriner, Williamson, Wines of A., Yocum, and Mr. Speaker—58.

So said bill was not laid on the table.

Mr. Foley moved to amend said bill as follows:

Strike out "one dollar and fifty cents," and insert "fifty cents."

Which was lost.

Mr. Coon moved to amend as follows:

Provided, That if there is no person of legal attainments residing in a county, who may be able to obtain a certificate, as provided in section five of this act, and who will accept said office of prosecutor, that the court in such county, at its first session after the passage of this act, and at any subsequent session thereafter, when a vacancy is about to occur, shall appoint some suitable person as prosecutor for said county, who resides in any other county of the particular judi-

cial circuit, of which said county forms a part, who shall prosecute the pleas of the State in and for said county, and who shall hold his office for the term of two years as above.

Which was not adopted.

The question was then taken on Mr. Chapman's amendment, and lost.

The question being on the passage of said bill,

Messrs. Robinson of C. and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bradley, Brown of D., Butler, Chapman of L., Clark, Cogswell, Cooley, Defrees, Devin, Ellis, Frink, Garrigus, Gilbert, Grover, Hackleman, Hendricks, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, Milliken, Mitchell, Monroe, Nelson, Peak, Poulson, Proctor, Rannells, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Sayler, Shively, Simonson, Snook, Thompson of F., Townsend, Warriner, Wines of A., Yocum, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Barnett of L., Bowers, Brown of Marion, Chapman of H., Chrisman, Clements, Coon, Cooper, Cotton, Davis of F., Dunbar, Edwards, Foley, Foulk, Goodenow, Goodhue, Gorman, Hannegan, Harding, Henley, Hodges, Hoobler, Howard, Leslie, Lingle, McAlister, Meeker, Montgomery, Murray, Norvell, O'Neill, Quick, Rawlings, Reed, Saffer, Saunders, Sinks, Snoddy, Stratton, Thompson of N. and L., and Tisdale—41.

So said bill passed.

Mr. Townsend moved to re-consider the vote on the passage of said bill;

Which did not prevail.

Mr. Montgomery moved to amend the title of said bill as follows;

"A bill to increase the expenses of the people;"

Which was not adopted.

On motion, the House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JAN. 19, 1842.

House met according to adjournment.

The following message was received from the Senate, by Mr. Maguire their Secretary :

MR. SPEAKER :

The Senate has passed an engrossed bill thereof entitled, No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company ;

In which I am directed respectfully to request the concurrence of the House of Representatives.

The rules were suspended, and the bill read three several times and passed.

The following message was received from the Senate by Mr. Harris, a member :

MR. SPEAKER :

I have been directed to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 131—an act relative to water power at the town of Delphi, Carroll county, without amendment ;

Also, the Senate has passed an engrossed bill thereof,

No. 114—an act re-organizing the first judicial circuit, and fixing the time of holding courts therein, and for other purposes ;

In which the concurrence of the House is respectfully requested.

No. 114—mentioned in said message was read 1st and 2d times (rules suspended) and referred to the judiciary committee.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz :

No. 56—an act to incorporate the Eel river Bridge Company ;

No. 71—an act to revive an act entitled an act to incorporate the town of Mooresville, in Morgan county ;

No. 88—an act to incorporate the Muncietown and Fort Wayne railroad company ;

No. 124—an act to incorporate the Wabash Bridge company in the county of Huntington ;

No. 170—an act amendatory to an act entitled "an act concerning clerks," approved, Jan. 20, 1831 ;

No. 187—an act for reducing the expenses of the counties of Monroe and Brown and for selecting petit jurors therein ;

No. 200—an act to amend an act declaring Patoka a public highway, and for other purposes ;

No. 206—an act for the relief of James R. McCord ;

No. 229—an act to incorporate the trustees of the Laporte University ;

Also, engrossed bills of the House of Representatives, entitled as follows each with amendments, viz :

No. 59—an act for the relief of the members of Fire Company No. 1, in Fort Wayne ;

No. 149—an act to exempt Probate Judges from arrest ;

No. 166—an act to amend an act entitled, "an act amendatory to the charter of Michigan City," approved, Feb. 15, 1841 ;

No. 181—an act concerning petit jurors in certain counties therein named ;

No. 185—an act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal east of Tippecanoe river ;

In which several amendments the concurrence of the House of Representatives is respectfully requested.

The Senate has passed engrossed bills thereof, entitled as follows, viz :

No. 89—an act to incorporate the Martinsville Band of musicians ;

No. 91—an act for the appointment of a Commissioner to make deeds, and for other purposes ;

No. 102—an act to amend an act for the relief of the poor, approved, Feb. 17, 1838 ;

No. 119—an act to amend an act allowing and regulating the writ of *ad quod damnum*, approved, Dec. 20, 1823 ;

No. 134—an act amendatory to an act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians, approved, Feb. 17, 1838 ;

No. 149—an act to amend an act relating to public roads and highways, approved, Feb. 17, 1838 ;

No. 143—an act to amend an act entitled, "an act to incorporate the Vevay and Napoleon and other turnpike companies," approved, Feb. 8, 1836 ;

No. 147—an act to amend an act entitled, "an act to incorporate the Indiana Manufacturing Company," approved, Feb. 17, 1838 ;

No. 148—a joint resolution ratifying the 13th article of the Constitution of the United States ;

No. 153—an act authorizing the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal ;

No. 155—an act to vacate certain lots in the town of Edinburgh, Johnson county ;

No. 165—an act providing for the sale of certain school lands, in Fayette county ;

No. 177—an act to amend an act entitled, “an act to incorporate the town of Wilmington in Dearborn county;”

In which bills of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments to bills No. 59, 149, 166, 181, and 185, mentioned in said message, were concurred in.

Bills of the Senate, No's. 89, 91, 102, 134, 149, 147, 148, 153, 155, 177, 119, were each read a first time and passed to a second reading.

Mr. Henley (on leave) offered the following resolution:

Resolved, That the committee of ways and means be directed to allow in the specific appropriation bill, to Thomas Tyner one hundred and five dollars for thirty-five days services as assistant sergeant at-arms to the Senate, and to Jerome B. Myers sixty dollars for twenty days services as assistant sergeant-at-arms to the House of Representatives;

Which was adopted.

No. 143, mentioned in said message [was read a] first and second times (rules suspended) and referred to the committee on canals and internal improvements.

No. 165, mentioned in said message, was read three several times and passed.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER :

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 126—An act to incorporate the White River Manufacturing Company in Daviess and Knox county;

No. 184—An act to authorize John Callahan to build a bridge across the mouth of Tanner's creek in Dearborn county.

Also, bills of the House of Representatives, with amendments, entitled as follows, viz:

No. 146—An act concerning the tax imposed on lands in Pike county;

No. 269—An act to amend an act entitled, an act to fix the times of holding courts in the fifth judicial circuit;

In which amendments the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed engrossed bills thereof entitled as follows, viz:

No. 154—An act to incorporate the Trustees of the New Albany Theological Seminary;

No. 156—An act to provide for printing one thousand copies of the laws of the State in the German language;

No. 184—An act to vacate the town of New Hartford in the county of White;

No. 185—An act relocating a part of the old State road lying between the mouth of Bradbury's lane, on Middle Fork, and where it strikes the said road between sections 15 and 16 in Lancaster township, Jefferson county;

In which several bills of the Senate the concurrence of the House of Representatives is most respectfully requested.

No. 146, mentioned in said message, was read a first time and with the Senate's amendments, laid on the table.

No. 269, mentioned in said message, was read a first time, when, Mr. Gorman moved to amend the Senate's amendment as follows:

“*Provided*, The county of Morgan be attached to the 10th judicial circuit;”

Which was adopted.

The Senate's amendments, as amended, were then concurred in.

No. 153, mentioned in said message was read a first and second times, and referred to the committee on corporations.

Mr. Wines of Vigo moved to take from the table bill No. 146.

The amendments of the Senate to said bill were then concurred in.

No. 156, mentioned in said message, was read a first and second times (rules suspended) and referred to the committee of ways and means.

No. 184 and 185, mentioned in said message, were each read a first time and passed to a second reading.

PETITIONS WERE PRESENTED,

By Mr. Chrisman, of citizens of Boone county, on subjects therein named;

Referred to the judiciary committee.

By Mr. Wines of Vigo, of citizens of Vigo county, [praying] that the jurisdiction of the Mayor of Terre Haute be restricted to the limits of said town;

Referred to a select committee of Messrs. Wines of Vigo, Hodges and Hoobler.

By Mr. Snoddy, of citizens of Owen county, for a state [road.]

Referred to a select committee to which a similar petition was referred.

Also, of citizens of Owen and Clay counties, on subjects therein named;

Referred to the committee on canals and internal improvements.

By Mr. Bearss, of citizens of Miami county, praying that articles of impeachment may be preferred against B. H. Scott, clerk of said county;

Mr. Hannegan moved to lay said petition on the table.

On this question Messrs. Hackleman and Dunbar demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Dearborn, Chrisman, Cogswell, Cooley, Coon, Davis of Floyd, Davis of Sullivan, Gorman, Hannegan, Henley, Hoobler, Lawrence, Marshall, Matheny, Millikin, Norvell, O'Neill, Rand, Ritchey, Saylor, Shively, Shoup, Simonson, Snoddy, Thompson of Fayette, and Wines of Vigo—27.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Cooper, Cotton, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Harding, Hendricks, Hodges, Howard, Hutton, Lee, Leslie, Lingle, Marsh, May, McAlister, Meeker, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Ogden, Peak, Poulson, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Runyon, Saffer, Saunders, Sinks, Snook, Stratton, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen, Yocum and Mr. Speaker—65.

So said petition was not laid on the table.

Mr. Bearss moved to refer it to a select committee with instructions to said committee to send for persons and papers, if they deem it expedient;

Which was agreed to.

The petition was then referred to a select committee of Messrs. Bearss, Bradley, Defrees, Mitchell and Runyon.

By Mr. Harding, of Abraham B. Smock and others, on a subject therein named;

Referred to a select committee of Messrs. Harding, Brown of Marion and Townsend.

By Mr. O'Neill, of Sarah Smith, praying a divorce from her husband, George Smith;

Referred to a select committee of Messrs. O'Neill, Snoddy and Lingle.

By Mr. Yocum, of citizens of Clay county, on a subject therein named;

Referred to a select committee of Messrs. Yocum, Davis and Hutton.

By Mr. Runyon, of citizens of Kosciusko county, on the subject of a State road;

Referred to the committee on roads.

By Mr. May, of citizens of Washington county, on a subject therein named;

Which was laid on the table.

By Mr. Lingle, of citizens of Orange county, on several subjects therein named;

Referred to the committee of ways and means.

By Mr. Goodhue, of citizens of Jennings county, praying that the dogs of said [county] be taxed, &c.;

Referred to the same select committee to which a similar petition was referred.

By Mr. Rawlings, of citizens of Jackson county, asking to be attached to Scott county;

Referred to a select committee of Messrs. Rawlings, Goodhue and Dunbar.

By Mr. Harding, of J. L. Williams, on a subject therein named;

Referred to the committee on claims.

By Mr. McAlister, of citizens of Madison county, praying relief for Joseph Howard;

Referred to a select committee of Messrs. McAlister, Butler and Rooker.

By Mr. Mitchell, a remonstrance of citizens of Elkhart county against vacating a State road in said county;

Referred to the committee on roads.

By Mr. Grover, a remonstrance of citizens of Logansport, against repealing the city charter of said town;

Referred to the same select committee to which a petition on that subject has been referred.

Also, of Zera Sutherland, asking the Legislature the payment of a claim which he holds against the State;

Referred to the committee on canals and internal improvements.

By Mr. Brown of Marion, of R. S. Cox, praying relief;

Referred to the judiciary committee.

By Mr. Gorman, of citizens of Monroe county, on a subject therein named;

Referred to the judiciary committee.

By Mr. Hannegan, of citizens of Attica, Fountain county, on a subject therein named;

Which was laid on the table.

By Mr. Marsh, of citizens of De Kalb county, on a subject therein named;

Referred to a select committee of Messrs. Marsh, Thompson of Noble and Wines of Allen.

Mr. Clark presented a preamble and order of the board of county commissioners of Vanderburgh county, on a subject therein named;

Which was laid on the table.

Mr. Thompson of Fayette, a member of the committee of ways and means submitted the following protest:

MR. SPEAKER :

The undersigned, being one of the members of the committee of ways and means, to whom was referred a bill for the reduction of the compensation of officers of State, and the per diem allowance of the members of the General Assembly, and for the more economical administration of the Government of the State; and also many numerous signed petitions

on the same subject, feel myself in duty bound to dissent from and remonstrate against the report of the majority of that committee, for the following reasons, viz: The State prospered well previous to the increase of salaries, &c. in 1836-'7, during which time the people were free from oppression, and the functionaries were faithful. I wish the same was true since the augmentation of their compensation. I think the propriety of the act of 1837, adding about one-third more to the compensation of all officers, was even then very doubtful. But if the great prosperity of that and some subsequent years, the high prices of labor, produce, boarding, &c. did then justify this increase of compensation, I am fully convinced that all these causes have now ceased to operate. The price of labor and all kinds of produce and property has diminished more than one-half, and taxes have risen on the people about four-fold. With all these facts before me, and seeing our tables loaded with the petitions of the sovereign people, praying for this reform and retrenchment at the hands of us, their servants, I feel in all good conscience as a man, and in obedience to the expressed will of the people, whose servant I am, as a representative, to go for retrenchment. I hold that the petitions are reasonable, and ought in good faith to be complied with—that the people are sovereign and we should obey their voice. The people call for this reform and retrenchment, and both great political parties have advocated the principle in canvassing for power. Last year one party was placed in power chiefly on their retrenchment pledges; but when elected they disregarded all these often made and loudly reiterated promises, and increased the burthen of the already oppressed people, by both an increase of officers and of salaries. The people have now reposed confidence in those of the other party, as the majority in this Hall now show, and I did hope that they would have shown that this confidence was not misplaced, but in this I am mistaken. So far as the constitution will admit of, I do most solemnly believe that this legislative body is bound in good faith to reduce all salaries and per diem allowances to what they were before 1837.—The people expect it, the oppressions under which they groan demand it, and all the circumstances around us call upon us with an imperious voice to reciprocate this call and grant this most reasonable request. With this thorough conviction I never can concur in the report of the majority, which purposes to raise the compensation in some respects still one-fourth higher than before. For these, and many other similar reasons, the undersigned is in duty bound to dissent from the majority of the committee, and claim his constitutional right to spread this his protest on the journals of the House.

WILSON THOMPSON.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 212, have had the same under consideration, and have di-

rected me to report the same back to the House and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Hannegan reported back to the House No. 290, a bill to authorize the furnishing of hydrant water to the town of Attica;

Read first and second times, (rules being suspended) and referred to the committee on canals and internal improvements.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of Elizabeth Reasoner and others, have had that subject under consideration, and have directed me to report the following bill:

No. 292, a bill for the relief of the widow and heirs of John Reasoner, deceased;

Read a first time and passed to a second reading.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of Jeremiah A. Wilson and George A. Thornton, relative to reducing the fees of jurors, have had the same under consideration, and have directed me to report that in their opinion it is inexpedient to legislate on that subject at this time.

The report was concurred in and the committee discharged.

Mr. Gorman made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a petition on the subject of the original survey of the town of Bloomington, have directed me to report the following bill:

No. 292, a bill for the relief of owners of certain lots in the town of Bloomington;

Read three several times and passed.

Mr. Defrees made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred bill No. 263, entitled "a bill for the relief of John Tate," have had it under consideration, and directed me to report it back without amendment and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Defrees made the following report:

Mr. SPEAKER :

The committee on claims, to whom was referred the petition of sundry citizens of Blackford county, on the subject of giving that county a portion of the three per cent. fund, have had it under consideration, and directed me to report the following bill and recommend its passage :

No. 294, a bill for the benefit of Blackford county ;

Read first and second times, (rules being suspended) and ordered to be engrossed for a third reading.

Mr. Leslie made the following report :

Mr. SPEAKER :

The committee on roads, to which was referred petitions and remonstrances of the citizens of the county of Harrison, relating to a certain state road therein named, have, according to order, had that subject under consideration, and after a careful examination of the same, have directed me to report the following bill :

No. 295, a bill to repeal a part of an act for the location of a state road in the counties of Harrison and Crawford ;

Read a first time and passed to second reading.

Mr. Ogden made the following report :

Mr. SPEAKER :

The committee on roads, to which was referred the petition of sundry persons, praying that George Percy, Gilmore Conelly and others be permitted to erect across the public road, leading from Greencastle to Spencer, gates for their own convenience, have directed me to report that, in the opinion of the committee, it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Hannegan, from the committee on canals and internal improvements, reported back bill [No.] 277, providing for the preservation of the southern end of the Central canal, with an amendment.

The question being on concurring in the amendment of the committee,

The ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of Dearborn, Clark, Clements, Davis of Floyd, Defrees, Grover, Hackleman, Hannegan, Harding, Henley, Hoobler, Hutton, Lee, M'Allister, Myers, Rannels, Robinson of Carroll, Runyon, Sinks, Stratton, Tisdale, Wines of Allen and Wines of Vigo

—25.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers Chapman of Hancock, Chrisman, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Hodges, Howard, Lawrence, Leslie, Lingle, Marsh, Meeker, Milliken, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Poulson, Proctor, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Williamson, Yocum and Mr. Speaker—61.

So the House refused to concur.

The bill was then amended by striking out "ten per cent." in the second section, and inserting "six per cent." in lieu thereof.

Mr. Hannegan reported back from the committee on canals and internal improvements, bill No. 136, of the Senate, providing for the election of a commissioner on the Wabash and Erie canal, west of Tippecanoe river, with amendments.

The first amendment of said committee was not concurred in.

The second amendment was concurred in, (the rules being suspended) the bill considered as engrossed, read a third time, and passed.

Mr. Hannegan also, reported back from the same committee, bill No. 255, in relation to leasing out the water power at Wabash dam, (No. 4,) in Carroll county, with amendments ;

Which were concurred in.

Mr. Robinson of C. moved to strike out "in equal quantities," in the first section ;

Which was agreed to.

The bill was then ordered to be engrossed.

Mr. Hannegan also reported back from the same committee bill No. 291, to authorise the furnishing the hydrant water to the town of Attica.

On motion of Mr. Henley,

Said bill was considered as engrossed, and read a third time and passed.

Mr. Robinson of C. made the following report :

Mr. SPEAKER :

The committee on corporations, to which was referred the petition of Samuel Carr and sundry other citizens of Charlestown, Clark county, praying that all that part of the said town lying south-west of Walnut-street, be erected into an *independent principality*, and be hereafter governed independently of the said town, have, according to order, had that subject under consideration, and have directed me to report, that, in the opinion of this committee, as formed from the best evidence before it, the petitioners have been oppressed and mal-

treated by the corporate authorities of the said town, to a degree never before known in any country since the reign of Nero. The petitioners have been taxed beyond their means of payment, for which they have received no corresponding benefit; have been compelled to work day after day, and that too, year after year, upon streets in the said town, which they seldom if ever travelled, whilst the streets of the petitioners were neglected, unworked, unsafe and almost impassable. The petitions for years have had their substance wasted, their labor expended, not to benefit themselves, but to gratify the whims and caprices of a few village politicians, who have had no just sense of the duties imposed on themselves, as corporate officers, nor of the burthens they have been imposing on these petitioners. Finally, the committee are firmly of the opinion that the proceedings of the corporate authorities of Charlestown exhibit towards these petitioners the same melancholy spectacle which has been so often seen in this world—the *many* taxed and oppressed for the benefit of the *few*, and exhibit an extent and degree of tyranny almost without a parallel, in the history of oppression in any age or in any country. Therefore your committee have directed me to report the following bill, and recommend its passage:

No. 296—a bill to erect that part of the town of Charlestown, Clarke county, south-west of Walnut-street, into an independent municipality;

Read a first time, and passed to a second reading.

Mr. Gorman made the following report:

MR. SPEAKER:

The select committee to whom was referred two several petitions of the citizens of Monroe and Brown counties, praying for a location of a State road therein, have had that subject under consideration, and directed me to report the following bill:

No. 297—a bill for the location of a State road in the county of Brown;

Read first and second times, (the rules being suspended) and ordered to be engrossed.

Mr. Milliken made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution inquiring into the expediency of so amending the act prescribing the duties of county treasurers, that it be made the duty of the treasurers of Dearborn and Switzerland counties to collect the township revenue, have had the same under consideration, and have instructed me to report a bill, and recommend its passage:

No. 298—a bill prescribing the mode of levying and collecting township taxes in the counties of Dearborn and Switzerland;

Read first time and passed to a second reading.

Mr. Chapman of L., made the following report:

MR. SPEAKER:

The select committee to which was referred a resolution of the House of Representatives, directing them to inquire into the expediency of so amending the law levying a tax on individual stock in the Branches of the State Bank of Indiana, that said tax shall be paid into the county treasury, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 299—a bill taxing individual stocks in the several Branches of the State Bank of Indiana;

Read first and second times, (rules having been suspended) and ordered to be engrossed for a third reading.

Mr. Wines of V. made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Vigo county, asking that the jurisdiction of the mayor of the town of Terre Haute, be restricted to the incorporated limits of said town, have had the same under their consideration, and directed me to report the following bill:

No. 300—a bill to amend an act to incorporate the town of Terre Haute, &c.

(The rules were suspended) read three several times, and passed.

Mr. McAlister made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Madison county, praying for a change in the time of holding the circuit court in said county, have had the same under consideration, and have directed me to report the following bill in accordance with the prayer of the petitioners, and recommend its passage.

No. 301—a bill fixing the time of holding the circuit courts in Madison county, in the eleventh judicial circuit;

Read three several times, (rules being suspended,) and passed.

Mr. Lawrence from a select committee of one, made the following report:

MR. SPEAKER:

The select committee of one to whom was referred a resolution of the House proposing an enquiry into the expediency of employing a *Phrenologist* to examine the heads of the State fund commissioners—of all persons concerned in carrying on our system of public works—of all Governors of the State who have recommended said system, ba-

sing estimates for carrying it through upon the prospective sale of lands beyond the Rocky Mountains—and of certain other persons named in said resolution, with a view to relieve the committee of Investigation of their onerous duties, in searching out the frauds practiced upon the State by those agents, presents the following report:

That he has considered the several matters referred to him with care and diligence, and has come to certain conclusions touching the same, which he respectfully submits.

1st. He is of opinion that "the heart of man is deceitful above all things, and desperately wicked," and that very good men in the ordinary sense of the word, will, when interested with the management of public funds, sometimes do the strangest things in the world.

2d. That such "*very good men*," will find plenty of very good reasons for the said *strange things*, and manage to keep quiet consciences if they can but "*put money in their purses*."

3d. That it results from the foregoing propositions, that it is unwise in the people to entrust men with power to control State funds to any considerable amount, lest the *losses* be all charged to the State, and the *profits* pass into the pockets of the agents—in other words lest the probable speculations made upon the State funds, at the hazard of the State, be quietly pocketed by the functionary, and the speculations made in canal stock, boats, water lots, soap factories, and wild lands in the Georgia sands, and the Florida swamps, and everglades, be all passed over to the State. The committee will not say *positively* that any things like these have been done; but he thinks it pretty clear that public functionaries employed in managing our State funds, have preferred "*lands in the North part of our own State*" to a portion of the lands, water lots, soap factories, &c., &c., by them acquired for the State.

4th. That when a functionary managing State funds, makes a lucky hit, the people are well reminded of the obligations entailed upon them by the labor and research, care and diligence producing it; and when they make a blunder the people are expected to be thankful that it is *no worse*.

5th. That in investigations, by committees of either House of the Legislature, into the conduct of agents, entrusted with the management of public funds, whose theatre of operations have been at points remote from the State, there is little probability of arriving at the truth. Even when rogues fall out, honest men will scarce come by their own; though they may perhaps find out that their loss is greater than they had supposed.

6th. That the amount of the peoples' money which has been sunk by the sublime operations of fund commissioners, and others alluded to in the resolution, could not be recovered by submitting the heads of those implicated to the phrenological test. If one should be pronounced so defective in "*benevolence, and conscienciousness*," as to be deaf to the voice of pity for, and justice towards the people upon whom he has fattened, the disclosure would not bring back a single half million to the State, or if the cranium of another should present

"*cautiousness, conscienciousness, reasoning and intellectual powers*," so small and "*hope, ideality, marvelousness and self-esteem*," so large as to make him rash, reckless of justice, weak in judgment, self-confident, gullible and visionary, the discovery of the fact would not cancel a single State bond. Or if another were to be marked as having "*secretiveness and acquisitiveness*," so large, and the *moral developments* so small as to justify the inference that he is a "*rogue in grain*," the knowledge of his character would not convert a soap factory into available property, or give the character of *terra firma* to *water lots, everglades, or sand banks*. Or if a fourth were to be found with "*conscienciousness and self-esteem*," so small, and "*secretiveness*" so large as to justify the inference that he might dishonorably acquire a knowledge of facts, or pervert truth with a view to gather "*golden opinions*," with the breath of which to inflate his political balloon, the committee hopes the House will consider his latin as a compliment to classical taste and acquirements when he asks, *cui bono*?

The committee has therefore brought *himself* to adopt the opinion that so far as concerns the State officers entrusted with the credit and funds of the State, the measure indicated by the resolution would be unavailing. It would be like shutting the stable door after the horse has been stolen.

In reference to the examination proposed by the said resolution, of the heads of such governors, as may have recommended the prosecution of said public works, basing estimates therefor upon lands beyond the Rocky Mountains, the committee has come to the conclusion, that whether such recommendations have emanated from heads grossly defective in all "*intellectual and reasoning powers*," and in the organ of "*calculation*," or whether such mad conclusions have resulted from a sacrifice of "*conscientiousness, self-esteem*," reasoning powers, and facility in "*calculation*," to the less noble qualities of "*secretiveness and approbateness*," seeking their time-serving purposes, is scarcely worth while *now* to inquire; for till the present generation shall have passed away, there is little probability of the people being again misled by the wily schemes of the *visionary*, or the crafty propositions of the mean and designing. The people have learned that government costs money, and cannot permanently *fill*, though it may *drain*, the pockets of the citizens.

To some, especially to those who of late have advocated a *splendid* government, it will be a matter of grief that the opportunity of adding another fine gentleman to the corps of State pensioners, in the person of Reverend "*State Phrenologist*," with a salary of not less than two or three thousand dollars, besides perquisites and "*stealings*," will be lost.

The committee, however, is constrained to report adversely to the creation of such an office, either permanently or temporarily, and therefore prays to be discharged from the further consideration of the subject.

A. LAWRENCE, *Chairman*.

Mr. Bearss made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of William Smith, William A. McGregor, and other citizens of Miami county, praying for the vacation of Duret street in the Godfroy addition to the town of Peru, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 302, a bill to vacate Duret street in the Godfroy addition to the town of Peru;

Read three several times (rules being suspended) and passed.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The select committee to which was referred bill of this House No. 50, a bill for the prevention of usury, have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

On motion of Mr. Rooker,

Said bill was laid on the table.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Brown of Marion,

Bill No. 182 was reconsidered.

The bill was then referred to a select committee of Messrs. Edwards, Cotton and Davis of Floyd.

The House then proceeded to the orders of the day.

BILLS ON SECOND READING.

No. 98, [a bill] to amend an act to incorporate the city of Richmond, Wayne county;

No. 113, a joint resolution in relation to the Indiana University;

No. 116, a bill concerning criminal practice;

Which bills were each read a second time and ordered to be engrossed for a third reading.

No. 66, [a bill] to authorise the reception of that portion of the proceeds of the public lands the State of Indiana is entitled to, &c.;

Read a second time and laid on the table.

Mr. Henley moved to reconsider the vote on referring a petition introduced by Mr. Bearss, with instructions to a select committee, &c.;

And on this question Messrs. Bradley and Henley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Dearborn, Butler, Chrisman, Clements, Cogswell, Cooley, Coon, Cotton, Davis of Floyd, Edwards, Ellis, Foley, Frink, Garrigus, Gilbert, Goodenow, Gorman, Hannegan, Hendricks, Henley, Hoobler, Lawrence, Leslie, Lingle, Matheny, May, McAllister, Meeker, Milliken, Norvell, O'Neill, Poulson, Rand, Rannells, Reed, Ritchey, Robinson of Carroll, Rooker, Saffer, Saylor, Shoup, Simonson, Sinks, Snoddy, Thompson of Fayette, Warriner, Wines of Vigo, Yocum and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Clark, Cooper, Defrees, Devin, Dunbar, Foulk, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Hutton, Lee, Marsh, Marshall, Mitchell, Montgomery, Murray, Myers, Nelson, Peak, Proctor, Quick, Rawlings, Robinson of Rush, Runyon, Saunders, Snook, Stratton, Thompson of Noble, Tisdale, Townsend, Williamson and Wines of Allen—40.

So said matter was reconsidered.

Mr. Henley moved to lay the whole subject on the table;

And on this question Messrs. Bearss and Henley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butler, Chrisman, Cogswell, Cooley, Coon, Cotton, Davis of Floyd, Davis of Sullivan, Edwards, Ellis, Foley, Garrigus, Gilbert, Goodenow, Gorman, Hannegan, Hendricks, Henley, Hoobler, Lawrence, Leslie, Lingle, Matheny, May, McAllister, Milliken, Monroe, Murray, Norvell, O'Neill, Poulson, Rand, Reed, Ritchey, Robinson of Carroll, Saffer, Saylor, Shively, Shoup, Simonson, Sinks, Snoddy, Thompson of Fayette, Warriner, Wines of Allen, Wines of Vigo and Yocum—49.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Clark, Clements,

Cooper, Defrees, Devin, Dunbar, Foulk, Frink, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, Hutton, Lee, Marsh, Marshall, Meeker, Mitchell, Montgomery, Myers, Nelson, Peak, Proctor, Quick, Rannells, Rawlings, Robinson of Rush, Rooker, Runyon, Saunders, Snook, Staaton, Thompson of Noble, Tisdale, Townsend, Williamson and Mr. Speaker—46.

On motion of Mr. Brown of Dearborn,

Bill No. 142—Providing for the payment of a debt due to the State Bank, and for the resumption of specie payments;

Was taken from the table.

Mr. Wines of Allen moved to amend the 2d section as follows:

"Strike out 4th line,"

Which was adopted.

Mr. Wines moved another amendment, as follows:

"SEC. 3. When any mortgage for a loan of the Sinking fund or Surplus Revenue shall be transferred to any of the Branches in payment of the debt due from the State, it shall be lawful for the borrower to make payment of the loan at the rate of one-fifth of the principal every year, with interest in advance on the balance due, at the rate of six per cent. per annum, and if said mortgagor shall prefer to pay one-tenth of the loan each year and interest at the rate of seven per cent., he shall be permitted to do so.

SEC. 4. The first instalment shall become due in one year after the expiration of the mortgage, until which time and until the commencement of paying the instalments of one-fifth each year, the rate of interest shall be seven per cent.

SEC. 5. And it shall be the duty of each Branch to keep a surplus or contingent fund at all times equal to its suspended debt. *Provided*, That all profits be carried to the Sinking fund so long as the Bank remains in suspension.

Mr. Wines moved another amendment, as follows: At the end of third section:

"*Provided*, That the proper officers of the various Branch Banks of this State may refuse the payment in specie on any of their bills or Bank notes, presented by brokers or their agents, citizens of other States, or the agents of non-specie paying Banks, and said officers are hereby authorized to require answers under oath touching the facts of ownership of such bills or Bank notes so presented for specie payment.

Upon this question Messrs. Hackleman and Murray demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Butler, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Edwards, Ellis, Foulk, Frink, Garrigus, Gilbert, Goodenow, Grover, Hackleman, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Les-

lie, Matheny, May, Meeker, Mitchell, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, Ogden, Poulson, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snook, Stratton, Thompson of Fayette, Townsend, Williamson, Wines of Allen, Wines of Vigo and Yocum—66.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Devin, Dunbar, Foley, Goodhue, Gorman, Hannegan, Henley, Howard, Lingle, Marsh, McAlister, Milliken, O'Neill, Proctor, Quick, Robinson of Carroll, Simonson, Snoddy, Thompson of Noble, Tisdale, Warriner and Mr. Speaker—25.

Mr. Chapman of L. moved to amend as follows: Strike out third section, and insert as follows:

"That if on the fourth day of July, A. D. 1842, or any time thereafter, any Branch of the State Bank shall refuse to redeem, any of its notes in gold or silver, on demand, it shall be the duty of the State board to close said Branch; and if said State board shall fail to do so, it shall be the duty of the Governor, upon being informed thereof by affidavit, setting forth such demand and refusal, to cause a writ of *scire facias* to issue against said Branch in the manner prescribed by the act establishing the said State Bank, and all further proceedings thereon to be taken to declare said charter forfeited. *Provided*, That if on or after the said fourth day of July, the banks of Ohio, Kentucky, Illinois, Michigan, or either of them, shall not have resumed and be paying specie on their notes, and any resident or bank thereof, or any person for any resident or bank thereof, or either of them, not paying specie as aforesaid, shall demand specie from the said State Bank or Branch thereof, a refusal to pay the same to such person or bank upon such demand, shall not be sufficient cause for such writ of *scire facias* to be issued."

Mr. Defrees moved to strike out "fourth day of July," and insert "first day of August;"

Which was lost.

Mr. Ritchey moved to strike out "4th of July," and insert "31st of this month;"

And on this question the ayes and noes were demanded.

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Butler, Chapman of H., Chrisman, Clark, Davis of S., Devin, Gorman, Hendricks, Howard, Hutton, Lawrence, Lingle, Marsh, Mitchell, Monroe, Myres, O'Neill, Poulson, Ritchey, Runyon, Saunders, Sayler, Simonson, Snoddy, Thompson of N. and L., Yocum, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bradley, Brown of D., Brown of M., Chapman of Laporte, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Defrees, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hannegan, Harding, Henley, Hodges, Hoobler, Lee, Leslie, Matheny, May, McAlister, Meeker, Milliken, Montgomery, Murray, Nelson, Norvell, Peak, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of C., Robinson of Rush, Rooker, Saffer, Shively, Shoup, Sinks, Snook, Stratton, Thompson of F., Tisdale, Townsend, Warriner, Williamson, Wines of A., and Wines of V.—65.

Mr. Ritchey moved to strike out "4th of July," and insert "*forthwith*."

And, on this question Messrs. Gorman and Ritchey demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bearss, Bowers, Brown of D., Chapman of H., Chrisman, Clark, Clements, Davis of S., Devin, Gorman, Hendricks, Howard, Hutton, Lawrence, Lingle, Marsh, Mitchell, Monroe, Myers, O'Neill, Poulson, Ritchey, Runyon, Saunders, Saylor, Simonson, Snoddy, Thompson of N. and L., Yocum, and Mr. Speaker—31.

Those who voted in the negative were,

Messrs. Barnett of M., Bradley, Brown of M., Butler, Chapman of L., Cogswell, Cooley, Coon, Cooper, Cotton, Davis of F., Defrees, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hannegan, Harding, Henley, Hodges, Hoobler, Lee, Leslie, Matheny, May, McAlister, Meeker, Milliken, Montgomery, Murray, Nelson, Norvell, Ogden, Peak, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of C., Robinson of Rush, Rooker, Saffer, Shively, Shoup, Sinks, Snook, Stratton, Thompson of F., Tisdale, Townsend, Warriner, Williamson, Wines of A., and Wines of V.—64.

Mr. Harding moved to strike out "4th of July," and insert "first Monday of August."

And, on this question, Messrs. Harding and Gorman asked the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bradley, Clark, Cooley, Cooper, Cotton, Defrees, Edwards, Ellis, Foulk, Goodenow, Goodhue, Grover, Hackleman, Harding, Hodges, Howard, May, Meeker, Murray,

Myers, Ogden, Proctor, Quick, Rannells, Rawlings, Robinson of Rush, Shoup, Sinks, Stratton and Williamson—31.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Coon, Davis of Floyd, Davis of Sullivan, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, McAlister, Milliken, Mitchell, Monroe, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Reed, Rooker, Ritchey, Saffer, Saunders, Saylor, Shively, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Wines of Allen and Yocum—61.

Mr. Matheny moved to amend as follows:

Amend by saying "the Banks shall resume specie payment on her twenties and over on the first day of February, and on her tens on the first day of April, and on all under by the first day of August."

Which was lost.

Mr. Simonson moved to strike out "affidavit" in the amendment proposed by Mr. Chapman;

Which was lost.

The question was then taken on the proposition of Mr. Chapman.

The ayes and noes being demanded by Messrs. Chapman and Robinson of Carroll,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Laporte, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Dunbar, Edwards, Ellis, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Peak, Proctor, Quick, Rand, Rawlings, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Shively, Shoup, Simonson, Sinks, Snook, Thompson of Fayette, Tisdale, Townsend, Warriner, Wines of Vigo and Yocum—63.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Chapman of H., Chrisman, Clark, Clements, Devin, Foley, Foulk, Hackleman, Howard, Lee, Leslie, Lingle, Myers, Ogden, O'Neill, Poulson, Rannells, Reed, Ritchey, Saunders, Saylor, Snoddy, Stratton, Thompson of Noble, Williamson, Wines of Allen, and Mr. Speaker—30.

Mr. Cotton made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 124—An act to incorporate the Wabash Bridge Company in the county of Huntington;

No. 36—An act to incorporate the Eel River Union Bridge Company;

No. 229—An act to incorporate the Trustees of the Laporte University;

No. 200—An act to amend on act entitled an act declaring Patoka a public highway and for other purposes;

No. 187—An act for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein;

No. 170—An act amendatory to an act entitled an act concerning clerks, approved Jan'y 20, 1831;

No. 206—An act for the relief of James R. McCord;

No. 71—An act to revive an act entitled an act to incorporate the town of Mooresville, in Morgan county.

Mr. Milliken moved a reconsideration of the vote on the second amendment proposed by Mr. Wines of Allen;

Which prevailed.

Mr. Simonson moved to strike out "6 per cent.,"

Pending which,

On motion,

The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING JAN. 20, 1842.

The House met according to adjournment.

Mr. Robinson of Carroll moved that the reading of the journal be dispensed with.

Mr. Brown of Marion moved a call of the House;

Which was ordered.

The roll having been called through, the further call was then suspended.

The House refused to dispense with the reading of the journal.

Mr. Hannegan moved to reconsider the vote laying on the table on yesterday a petition introduced by Mr. Bearss;

Which was agreed to.

The petition was then referred to the same select committee to which it had been previously referred.

The following message was received from the Senate by Mr. Gregory, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bill thereof, to-wit:

No. 179—An act supplemental to an act entitled "an act authorizing the appointment of constables and defining their duties," approved February 17, 1838;

In which the concurrence of the House is respectfully requested.

Said bill was then read three several times and passed, rules suspended for that purpose.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House of Representatives, entitled as follows, viz:

No. 11—An act authorizing the issue of five dollar Treasury Notes for the redemption of the fifty dollar Treasury Notes now in circulation;

With two amendments, in which I am directed to request the concurrence of the House of Representatives.

To the first amendment the House refused a concurrence.

The second amendment was concurred in.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled,

No. 178—An act to change the time of holding courts in Jay county;

In which I am directed to ask the concurrence of the House of Representatives.

Also, an engrossed joint resolution of the House of Representatives for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the State Prison; without amendment.

No. 78, mentioned in said message was read three several times and passed.

The following message was received from the Senate by Mr. Maquire, their secretary:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the first amendment of the House of Representatives to bill No. 20 of the Senate, for the relief of owners of Wabash and Erie canal lands, and has disagreed to the second amendment of the House to said bill.

The Senate has passed an engrossed bill of the House of Representatives entitled,

An act, No. 115, relative to the distribution of public arms, with two amendments, in which the concurrence of the House of Representatives is respectfully requested.

The Senate has concurred in the amendment made by the House of Representatives to bill of the Senate No. 99, to fix the fees of sheriffs in certain cases therein mentioned.

Also, in the amendment of the House to the bill of the Senate No. 45, for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe.

The House insisted on their amendment to bill No. 20 of the Senate, mentioned in said message.

The amendments to No. 115, mentioned in said message, were concurred in.

The following message was received from the Senate :

MR. SPEAKER :

The Senate has concurred in the several amendments made by the House of Representatives to the bill of the Senate No. 30, to compel speculators to pay a road tax equal to that paid by actual settlers.

The Senate has passed without amendment an engrossed bill of the House of Representatives entitled,

No. 94, an act to incorporate the Wayne, Union and Randolph Turnpike Company, and the Union and Wayne Turnpike Company.

The Senate has also passed bills and joint resolutions thereof, entitled as follows, viz :

No. 128, an act supplemental to an act entitled, an act to amend an act entitled, an act organizing circuit courts and defining their powers and duties, approved February 15, 1838 ;

No. 172, a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign, and for other purposes ;

No. 174, a joint resolution suspending the operation of a certain section of an act therein named ;

No. 180, an act in relation to the Marion county library ;

In which bills and joint resolutions I am directed respectfully to request the concurrence of the House of Representatives.

No. 128, mentioned in said message, was read a first and second times (rules being suspended) and referred to the judiciary committee.

No. 172, (joint resolution) mentioned in said message, was read a first and second times, (rules being suspended) when

Mr. Brown of Dearborn moved to refer it to the committee on federal relations ;

Which was lost.

The rules were further suspended and the bill read a third time and passed.

No. 174, mentioned in said message, was read a first and second times, (rules being suspended) and referred to a select committee of Messrs. Brown, Harding and Cogswell.

No. 180, mentioned in said message, was read a first and second times, (rules being suspended) and referred to the committee on the affairs of the town of Indianapolis.

PETITIONS WERE PRESENTED,

By Mr. Milliken, three several petitions and remonstrances of citizens of Dearborn county, on the subject of building a bridge across the mouth of Tanners' creek, in said county ;

Referred to the committee on corporations.

By Mr. Saylor, of citizens of Clinton county, against a division of said county ;

Referred to a select committee to which a similar petition was referred.

By Mr. Gorman, of citizens of Monroe county, the proceedings of a public meeting, on the subject of stay laws, interest on money, &c. ;

Referred to a select committee of Messrs. Gorman, Garrigus and Townsend.

By Mr. Wines of Vigo, of citizens of Vigo county, on a subject therein named ;

Referred to the committee on claims.

By Mr. Simonson, of citizens of Jeffersonville, Clark county, praying for the incorporation of the Jeffersonville fire engine and hose company ;

Referred to a select committee of Messrs. Simonson, Henley and Dunbar.

By Mr. Yocum, of citizens of Clay [county,] praying for a state road ;

Referred to a select committee of Messrs. Yocum, Garrigus and Snoddy.

By Mr. Warriner, of citizens of Porter county, on a subject therein named ;

Referred to the committee of ways and means.

By Mr. Cogswell, of George Kirkendall of Hamilton county, on a subject therein named ;

Referred to the judiciary committee.

By Mr. Mitchell, of citizens of Elkhart county, on a subject therein named ;

Referred to a select committee of one, and Mr. Mitchell was appointed said committee.

By Mr. Murray, of citizens of Wells county, three several petitions on the subject of state roads;

Referred to the committee on roads.

By Mr. Leslie, two several petitions of citizens of Harrison county;

Referred to a select committee of Messrs. Leslie, Lingle and Edwards.

By Mr. Grover, of John S. Patterson and others of Logansport, relative to a draw-bridge across the canal in said town;

Referred to the committee on canals and internal improvements.

By Mr. Cotton, of citizens of Perry and Spencer counties, in relation to the seat of justice and county boundaries;

Referred to a select committee of Messrs. Cotton, Edwards and Proctor.

Mr. Brown of M. made the following report;

MR. SPEAKER :

The committee on the judiciary, to which was referred the petition of sundry citizens of Boone county, on the subject of the issue of treasury notes, have had that subject under consideration, and having duly weighed the importance of the measure, and inasmuch as the subject is already before the House, in substantially the same shape, upon which the House can act, without the report of any bill from the committee, they therefore ask to be discharged from the further consideration of the same.

Said report was concurred in, and the committee discharged.

Mr. Hannegan reported back from the judiciary committee, No. 114, bill of the Senate, re-organizing the first judicial circuit, and fixing the times of holding courts therein, &c.

Mr. Robinson of C. moved to amend said bill as follows:

Strike "Carroll county" from the first circuit, and add it to the second.

Strike out "Benton county" from the eighth circuit and add it to the first;

Which was agreed to.

The bill was then ordered to be engrossed for a third reading.

Mr. Chapman of L. made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred bill of the House of Representatives, No. 284, entitled, "a bill to amend an act relative to crime and punishment," approved Feb. 10, 1831, have had the same under consideration, and have directed me to report the same back to the House with one amendment, and recommend its passage.

The amendment was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Matheny made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred the petition of George Shrell and others, praying that all laws authorising collection of debts be repealed, have had that subject under consideration, and directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Gorman made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution directing them to inquire into the expediency of amending the law regulating the duties and jurisdiction of justices of the peace authorising a jury of twelve persons in certain cases, so as to reduce the number to six, have had the subject under consideration, and directed me to report, that in their opinion it would be inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Gorman, from the same committee, made the following report:

MR. SPEAKER :

The judiciary committee to whom was referred a resolution, directing them to inquire into the expediency of amending the act, supplemental to an act, subjecting real and personal property to execution, approved Feb. 4, 1841, so that the execution-defendant shall be entitled to all the rents and profits that may arise during the time allotted for redemption, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject.

The report was concurred in, and the committee discharged.

Mr. Gorman made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House, in relation to the reduction of the salaries of the treasurer and auditor of State, and in relation to the said officers being allowed clerk hire, have had that subject under consideration, and have directed me to report the same back to the House, and recommend that the same be referred to the committee on ways and means to

whom similar resolutions have been referred, and ask to be discharged from any further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Matheny made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a bill, No. 104, an act to authorise agents of the surplus revenue and others, to dispose of lands by them bid off on behalf of the State, have had that subject under consideration, and have directed me to report it back without amendment, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Brown of M. made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred bill of the House, No. 246, a bill to repeal an act regulating damages on protested bills of exchange, approved Feb. 19, 1838, have had the same under consideration, and have directed me to report the same back again, and recommend its passage.

Mr. Matheny made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a bill, No. 103, an act supplemental to an act, entitled, an act regulating the practice in suits at law, approved Jan. 29, 1831, have had that subject under consideration, and have directed me to report it back, and recommend its indefinite postponement.

The report was concurred in, and said bill was indefinitely postponed.

Mr. Gorman from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House directing them to inquire into the expediency of modifying the forfeitures contained in the 18th section of the 2nd chapter of an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1842, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject;

Which was concurred in.

Mr. Gorman from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House directing them to inquire into the expediency of enacting a law to prevent persons charged with an offence against the criminal code of this state, conveying their property for the purpose of depriving the state of cost and fine should they be convicted, and that the county in which the offence was committed shall hold a lien on so much of their property as will pay all cost and expenses, with leave to report by bill or otherwise, have had that subject under consideration, and have directed me to report that the laws on that subject are sufficient, and that it is inexpedient to legislate on that subject;

Which was concurred in.

Mr. Gorman from the same committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a resolution of the House directing them to inquire whether the acts establishing the judicial circuits of the state of Indiana, and regulating the practice at law and in chancery, cannot be so amended without materially increasing the labors of the circuit judges; as to provide for the establishment of issue terms in the several counties, for the purpose of trying all issues at law, and of putting cases in a proper position for trial, so as to save the enormous expenses to which suiters are subjected under the present system, have had the subject under consideration and have directed me to report, that it is inexpedient to legislate on that subject;

Which was concurred in.

Mr. Gorman made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred numerous petitions on the subject of a stay law have had the same under consideration and have directed me to report a bill No. 303, a bill supplemental to an act subjecting real and personal property to execution, &c.

Read 1st time, when Mr. Saylor moved to reject said bill.

Pending which, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

House met.

The House resumed the consideration of bill No. 142, to provide for the payment of a debt due the State Bank, and for the resumption of specie payments, &c.

The question pending at the last adjournment was the motion to reconsider the vote by which an amendment of Mr. Wines of A. was lost. The vote being reconsidered,

Mr. Simonson moved to amend the amendment as follows:

Strike out so much of the amendment as authorises the branches to declare dividends not exceeding six per cent., and amend the same so as to provide that all profits be carried to the sinking fund, so long as the bank remains in suspension.

And upon this question the ayes and noes were demanded by Messrs. Simonson and Monroe.

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Brown of M., Butler, Chapman of H., Chapman of Laporte, Chrisman, Clements, Cogswell, Cooley, Coon, Davis of S., Dunbar, Garrigus, Gorman, Grover, Hannegan, Hendricks, Henly, Hoobler, Howard, Hutton, Lawrence, Lingle, Marsh, Matheney, May, McAlister, Milliken, Mitchell, Monroe, Murray, Nelson, Norvell, O'Neill, Peek, Poulson, Proctor, Rand, Ritchey, Robinson of C., Saffer, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of F., Thompson of N., Warriner, Yocum and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bowers, Clark, Cooper, Cotton, Davis of F., Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Hackleman, Harding, Hodges, Lee, Leslie, Marshall, Meeker, Montgomery, Myers, Quick, Rannells, Rawlings, Reed, Robinson of R., Runyan, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of A. and Wines of V.—41.

So said amendment was adopted.

Mr. Goodhue moved to amend as follows:

Strike out of the bill the words "sinking fund" wherever they occur;

Which was adopted.

On this question Messrs. Leslie and Goodhue demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Chapman of Hancock, Chrisman, Clark, Clements, Cooper, Cotton, Davis of Floyd, Edwards, Ellis, Foley, Foulk, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hodges, Howard, Lee, Leslie, Marshall, Meeker, Montgomery, Murray, Myers, Norvell, Peak, Poulson, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Williamson, Wines of Vigo and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Laporte, Cogswell, Cooley, Coon, Davis of Sullivan, Defrees, Devin, Dunbar, Frink, Garrigus, Gorman, Hannegan, Harding, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, M'Allister, Milliken, Mitchell, Monroe, Nelson, O'Neill, Rand, Ritchey, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of Noble, Warriner, Wines of Allen and Yocum—41.

So said amendment prevailed.

Mr. Henley moved to fill the blank, created by Mr. Simonson's amendment, with the words "fund commissioners."

Mr. Henley then moved the previous question;

Which was not seconded by the House.

Mr. Robinson moved to reconsider the vote on filling said blank with [the] words "fund commissioners;"

And on this question Messrs. Hannegan and Henley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Brown of Marion, Chapman of Hancock, Clements, Cogswell, Coon, Cooper, Cotton, Davis of Floyd, Defrees, Edwards, Ellis, Foley, Goodenow, Goodhue, Hackleman, Harding, Howard, Lee, Leslie, Lingle, May, Milliken, Mitchell, Montgomery, Nelson, Norvell, Peak, Quick, Rannells, Reed, Robinson of Carroll, Rooker, Runyon, Saffer, Shoup, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Wines of Allen and Wines of Vigo—43.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Brown of Dearborn, Butler, Chapman of Laporte, Chrisman, Clark, Cooley, Davis of Sullivan, Devin, Dunbar, Frink, Garrigus, Gilbert, Gorman, Grover, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Marsh, Marshall, Matheney, McAllister, Meeker, Monroe, Murray, Myers, O'Neill, Poulson, Proctor, Rand, Rawlings, Ritchey, Robinson of Rush, Saunders, Sayler, Shively, Simonson, Sinks, Tisdale, Townsend, Warriner, Williamson, Yocum and Mr. Speaker—51.

Mr. Leslie moved to strike out the word "paid," and insert "acknowledged."

Mr. Saffer moved to indefinitely postpone the whole subject;

And on this question the ayes and noes were demanded by Messrs. Saffer and Williamson.

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bowers, Bradley, Brown of Marion,

Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooper, Cotton, Edwards, Ellis, Foulk, Goodenow, Hannegan, Hodges, Hoobler, Lee, Leslie, Marsh, Marshall, Matheny, Meeker, Montgomery, Myers, O'Neill, Poulson, Rand, Reed, Rooker, Saffer, Saunders, Sinks, Stratton, Tisdale, Wines of Vigo and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Brown of Dearborn, Chapman of Laporte, Cooley, Coon, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Grover, Hackleman, Harding, Hendricks, Henley, Howard, Hutton, Lawrence, Lingle, McAllister, Milliken, Mitchell, Monroe, Murray, Nelson, Norvell, Proctor, Quick, Rannells, Rawlings, Ritchey, Robinson of Carroll, Robinson of Rush, Runyon, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Warriner, Williamson, Wines of Allen and Yocum—52.

So said motion did not prevail.

Mr. Simonson [moved] that the whole subject be referred to the committee on the State Bank.

Mr. Hannegan [moved] to lay the bill and amendments on the table.

Mr. Hannegan moved to take up Senate joint resolution

No. 2, a joint resolution on the subject of specie payments and [for] other purposes;

And upon this question Messrs. Edwards and Foley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bowers, Bradley, Brown of D., Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Ellis, Foley, Frink, Gilbert, Goodhue, Gorman, Grover, Hannegan, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Marsh, Matheny, May, McAllister, Meeker, Monroe, Montgomery, Murray, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Sayler, Shively, Shoup, Sinks, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Bearss, Chapman of Laporte, Edwards, Foulk, Garrigus, Goodenow, Hackleman, Harding, Henley, Howard, Lingle, Marshall, Milliken, Mitchell, Nelson, Rawlings, Reed, Ritchey, Runyon, Saunders, Simonson, Snoddy, Stratton, Warriner, Williamson, Wines of Allen, Wines of Vigo and Yocum—28.

So said motion prevailed.

Mr. Henley moved to strike out of said joint resolution the 4th, 5th and 6th sections.

Mr. Goodhue moved to insert as follows, in lieu thereof:

Provided, That the sum of \$286,751 48, being the amount of the third instalment of the surplus revenue, be first appropriated to the payment of said debt, and the proper officer is hereby directed to transfer to said Bank all and singular the mortgages and other papers appertaining to the same;

Which did not prevail.

The question recurring on the motion of Mr. Henley to strike out, &c.,

The ayes and noes were demanded by Messrs. Gorman and Henley.

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Cooley, Coon, Davis [of Sullivan,] Defrees, Dunbar, Foley, Frink, Garrigus, Gilbert, Gorman, Hackleman, Hannegan, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, M'Allister, Milliken, Mitchell, Monroe, Murray, Nelson, O'Neill, Peak, Quick, Rand, Ritchey, Robinson of R., Saffer, Sayler, Shively, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Wines of Allen, Yocum and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Chrisman, Clark, Clements, Cooper, Cotton, Davis of Floyd, Devin, Edwards, Ellis, Goodenow, Goodhue, Grover, Harding, Howard, Lee, Leslie, Marshall, Matheny, Meeker, Myers, Norvell, Poulson, Proctor, Rannells, Rawlings, Reed, Robinson of Carroll, Rooker, Runyon, Saunders, Shoup, Sinks, Stratton, Tisdale, Townsend, Williamson and Wines of Vigo—41.

Mr. Brown of M., moved to amend as follows:

Strike out all that relates to the issue of Treasury notes, and insert the following:

That the third instalment of the surplus revenue so far as the same has not been converted into bank stock be and the same is hereby appropriated to the payment of the debt acknowledged to be due the bank from the State of Indiana, and the remaining balance of said debt to be paid out of the sinking fund.

On motion of Mr. Henley, said joint resolution and proposed amendments were laid on the table.

Mr. Marshall moved to take from the table No. 96, a bill for the relief of contractors on the Indianapolis and Madison rail road;

Which prevailed.

Mr. Marshall moved to strike out said bill from the enacting clause and insert a substitute in lieu thereof;

Which prevailed.

Mr. Norvell moved to lay the bill on the table;

Which did not prevail.

The question being on ordering said bill to an engrossment for a third reading now,

The ayes and noes were demanded by Messrs. Garrigus and Chapman of H.

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of M., Chrisman, Clark, Clements, Cogswell, Cooley, Davis of F., Defrees, Devin, Dunbar, Ellis, Frink, Gilbert, Goodenow, Goodhue, Grover, Hannegan, Harding, Hendricks, Henley, Lawrence, Lee, Marshall, May, McAlister, Meeker, Mitchell, Monroe, Murray, Myers, Quick, Ritchey, Robinson of C., Robinson of R., Rooker, Sayler, Thompson of F., Tisdale, Townsend, Warriner, Wines of A., Wines of V.—46.

Those who voted in the negative were,

Messrs. Barnett of L., Brown of D., Butler, Chapman of H., Chapman of L., Coon, Cooper, Cotton, Davis of S., Edwards, Foley, Foulke, Garrigus, Hackleman, Hodges, Hoobler, Howard, Hutton, Leslie, Lingle, Marsh, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rannells, Reed, Runyan, Saunders, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of N. and Yocum—42.

So said bill was ordered to be engrossed for a second reading now.

The bill was then read a third time.

Mr. Shoupe then moved an adjournment;

Which did not prevail.

After debate,

Mr. Robinson of C. moved that the House adjourn till half past 6 o'clock this evening;

Which did not prevail.

The question was then taken on the passage of the bill,

And the ayes and noes were demanded by Messrs. Garrigus and Edwards.

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of M., Chrisman, Clark, Clements, Cogswell, Davis of F., Defrees, Dunbar, Ellis, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Lawrence, Lee, Marshall, Matheny, McAlister, Meeker, Mitchell, Murray, Myers, Quick, Rawlings, Reed,

Ritchey, Robinson of C., Robinson of R., Sayler, Shively, Thompson of F., Tisdale, Townsend, Warriner, Wines of A., Wines of V.—46.

Those who voted in the negative were,

Messrs. Barnett of L., Brown of D., Butler, Chapman of H., Chapman of L., Coon, Cooper, Cotton, Davis of L., Edwards, Foley, Foulke, Garrigus, Hoobler, Howard, Hutton, Leslie, Lingle, Marsh, May, Miliken, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rannells, Runyan, Saffer, Saunders, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of N. and Yocum—42.

Mr. Garrigus moved that the title of said bill be an act to swindle the state;

Which was not adopted.

The title was amended so as to read, an act to pay contractors, &c.

A message from the Governor by his private secretary, Mr. Kiersted.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has on this day approved and signed the following acts:

No. 56—An act to incorporate the Eel River Union Bridge company.

No. 229—An act to incorporate the Trustees of the Laporte University.

No. 206—An act for the relief of James R. McCord.

No. 200—An act to amend an act entitled "an act declaring Patoka a public highway, and for other purposes."

No. 187—An act for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein.

No. 170—An act amendatory to an act entitled "an act concerning Clerks," approved January 20, 1831.

No. 71—An act to revive an act entitled "an act to incorporate the town of Mooresville in Morgan county."

No. 124—An act to incorporate the Wabash Bridge company of Huntington.

All of which originated in the House of Representatives.

Mr. Robinson of Rush made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit:

No. 140, an act for the benefit of the legal heirs of Charles Phillips, deceased;

No. 150, an act giving certain authority to the seminary trustees of the county of St. Joseph;

No. 73, an act to incorporate the White-water Valley Canal Company.

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following entitled bills of the House of Representatives, to-wit:

No. 131—An act relative to water power at the town of Delphi, Carroll county.

No. 88—An act to incorporate the Muncietown and Fort Wayne Railroad company.

Also the following bills of the Senate:

No. 151—An act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad company.

No. 145—An act relating to the trustees of Vevay seminary.

No. 108—An act to amend an act entitled an act more effectually to secure the purity of elections, approved February 15, 1841.

No. 104—An act to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841.

No. 73—An act to incorporate the White Water Valley Canal Company.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 88, an act to incorporate the Muncietown and Fort Wayne railroad company;

No. 131, an act relative to water power at the town of Delphi, Carroll county.

Also, the following bills of the Senate:

No. 104, an act to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841;

No. 145, an act relating to the trustees of Vevay seminary;

No. 108, an act to amend an act entitled an act more effectually to secure the purity of elections, approved Feb. 15, 1841;

No. 151, an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has on this day approved and signed the following acts:

No. 131, an act relative to water power at the town of Delphi;

No. 88, an act to incorporate the Muncietown and Fort Wayne railroad company;

Both of which originated in the House of Representatives.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, JAN. 21, 1842.

The House met according to adjournment.

The reading of the journal was dispensed with.

PETITIONS WERE PRESENTED,

By Mr. Brown of Marion, of citizens of Marion county, on a subject therein named;

Referred to a select committee of Messrs. Brown of Marion.

By Mr. Leslie, of citizens of Harrison county, praying instructions to our Senators in Congress to vote for the repeal of the bankrupt law.

The Speaker laid before the House a communication from P. Mason, a member of the board of public works, in relation to John Frazier;

Referred to the committee on claims.

Also, a report of the Vernon Savings Institution;

Referred to the committee on corporations.

By Mr. Sayler, two petitions of citizens of Clinton [county] on several subjects therein named;

Laid on the table.

By Mr. Wines of Vigo, on a subject therein named;

Which was laid on the table.

By Mr. Brown of Marion, of the State of Indiana;

Referred to the committee on claims.

By Mr. Goodenow, of citizens of Jefferson county, on the subject of a state road;

Referred to the committee on roads.

Mr. Mitchell (on leave) made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of citizens of Elkhart county, relative to a dam and lock in Elkhart river, have had the same under consideration, and report the following bill and recommend its passage:

No. 304, a bill relative to a dam and lock in Elkhart river ;
Which was read three several times (rules being suspended) and passed.

Mr. Brown of Marion (on leave) introduced No. 305, a bill for the relief of purchasers of lots in Indianapolis ;

Read first and second times (rules being suspended) and referred to the committee on the affairs of the town of Indianapolis.

The previous orders of the day were now suspended for the purpose of introducing bills.

BILLS WERE THEN INTRODUCED,

By Mr. Foley ; No. 306, a bill to legalise the assignment of certain certificates of purchase of school lands in Hancock county ;

Read three several times (rules being suspended) and passed.

By Mr. Defrees ; No. 307, a bill for the relief of the purchasers of lands at school commissioners' sale in St. Joseph county ;

Read three several times (rules being suspended) and passed.

By Mr. Saylor ; No. 308, a bill to repeal an act for the relief of Andrew Wilson, &c.

By Mr. Bowers ; No. 309, a bill to amend an act prescribing the [duties] of county auditors, &c. ;

Read first and second times (rules being suspended) and referred to the committee of ways and means.

By Mr. Wines of Allen ; No. 310, a bill to provide for summoning and empanneling grand and petit jurors in Allen county ;

The bill was amended by including a number of counties in the provisions of the bill, as named in the bill ;

The title of the bill was amended by striking out "Allen county," and inserting "certain counties therein named."

By Mr. Simonson ; No. 311, a bill to incorporate the Hoosier company of Clark county ;

Read a first and second times and ordered to be engrossed for a third reading.

By Mr. Harding ; No. 312, a bill to direct the fencing of the grave yard on the poor farm in Marion county ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Proctor ; No. 313, a bill regulating the jurisdiction of justices of the peace in Spencer county ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Yocum ; No. 314, a bill changing the time of holding probate courts in Clay county ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Gilbert ; No. 315, a bill to extend the provisions of an act for the preservation of sheep in the county of Delaware ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Bearss ; No. 316, a bill to amend an act to provide for the mode of doing township business in Miami county ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Milliken ; No. 317, a bill to repeal a joint resolution therein named ;

Read a first and second times and laid on the table.

By Mr. Bowers ; No. 318, a bill supplemental to an act entitled an act to amend, &c., authorising appointment of constables ;

Read a first, second and third times (rules being suspended) and passed.

By Mr. Rooker, No. 319, a bill for the relief of the citizens of Hamilton county ;

Read a first time and passed to a second reading.

By Mr. Yocum, No. 320, a bill to locate a State road in Clay county ;

Read a first, second, and third times, (the rules having been suspended) and passed.

By Mr. Gorman, No. 321, a bill to give corporate powers to the county of Brown ;

Read first, second, and third times, (the rules being suspended) and passed.

By Mr. Clark, No. 322, a bill to provide for refunding money paid by purchasers of certain lots in the town of Evansville, Vanderburgh county, &c. ;

Read first, second, and third times, (the rules having been suspended) and passed.

By Mr. Tisdale, No. 323, a bill to amend an act entitled, an act to provide a more uniform mode of doing township business, &c. ;

Read first, second, and third times, (the rules being suspended) and passed.

By Mr. Clements, No. 324, a bill for the relief of Abraham Perkins, collector of Daviess county in 1840 ;

Read a first, second, and third times, (the rules being suspended) and passed.

By Mr. Williamson, No. 325, a bill concerning the Union county seminary ;

Read a first, second, and third times, (the rules being suspended) and passed.

By Mr. Lingle, No. 326, a bill for the relief of the late collector of Orange county, 1839 and 40 ;

Read first, second, and third times, (the rules being suspended) and passed.

By Mr. Chapman of L., No. 327, a joint resolution in relation to the construction of a harbor at Michigan city ;

Read first, second, and third times, (the rules being suspended) and passed.

By Mr. Myers, No. 328, a bill to amend an act, entitled, an act subjecting real and personal estate to execution;

Read first and second times, (rules having been suspended) and referred to the committee of ways and means.

By Mr. Davis of F., No. 329, a joint resolution to prevent any further expenditure on the Madison and Indianapolis railroad;

Read first, second, and third times, (the rules being suspended) and passed.

By Mr. Bearss, No. 330, a bill for the suppression of musk-rats.

Mr. Edwards moved, that payment be made out of the canal fund; Which was lost.

Mr. Grover moved to strike out "head" and insert "scalp," lost.

On motion of Mr. Wines,

Said bill was laid on the table.

By Mr. Simonson, No. 331, a bill to incorporate the Jeffersonville fire engine and hose company No. 1;

Read a first, second, and third times, (the rules being suspended) and passed.

By Mr. Chapman of H., No. 332, a bill supplemental to an act subjecting real and personal property to execution, &c.;

Read first and second times, (the rules being suspended) and referred to the judiciary committee.

By Mr. Monroe, No. 333, a bill changing the mode of doing county business in the county of Washington;

Read first and second times, (the rules suspended) and referred to the judiciary committee.

By Mr. Yocum, No. 334, a bill declaring a county road a State road, in the counties of Owen, Clay, and Putnam;

Read three several times, (the rules having been suspended) and passed.

By Mr. Wines of V., No. 335, a bill to amend an act, establishing the office and defining the duties of notaries public, &c.;

Read first and second times, (the rules being suspended) and referred to the judiciary committee.

Mr. Edwards (on leave) made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill entitled, "an act to amend an act entitled, an act prescribing the duties of county auditor," have had the same under consideration, and have made two amendments, according to instructions, in which they ask the concurrence of the House.

The amendments were concurred in, and the bill read a third time and passed.

By Mr. Bradley, No. 336, a bill to amend an act, entitled, an act to organize probate courts, &c.;

Read a first and second times, (the rules being suspended) and referred to the judiciary committee.

By Mr. Henley, No. 337, a bill to amend an act concerning clerks, &c.;

Read a first and second times, (the rules being suspended) and referred to the judiciary committee.

The order of business was now suspended, to receive reports, from select committees.

Mr. Marsh made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Dekalb county, in reference to building a mill-dam across the Little St. Joseph river, have had the same under consideration, and have directed me to report the following bill:

No. 337—a bill to authorise John Bates and Jared Hall and company to build a mill-dam across the Little St. Joseph river, &c.;

Read three several times and passed.

Mr. Robinson of Carroll made the following report:

MR. SPEAKER:

The select committee to whom was referred two several petitions of the citizens of Carroll county, praying that a new county may be formed out of a part of Carroll and Clinton counties, and also a part of the Miami reserve; and also a remonstrance of sundry citizens of Clinton county, and another remonstrance of sundry citizens of Carroll county upon the same subject, have had the same under consideration, and report that, inasmuch as the said petitioners have not complied with the law on that subject, by giving notice of their intended application, they are not entitled to relief in that behalf, and ask to be discharged from the further consideration of the subject;

Which was concurred in and the committee discharged.

Mr. Robinson of Carroll made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the town of Pittsburgh and vicinity, in the county of Carroll, have had the same under consideration, and have directed me to report the following bill upon that subject, and recommend its passage:

No. 338, a bill to authorize the leasing of water power at the town of Pittsburgh, Carroll county;

Read first and second times, (rules being suspended) and ordered to be engrossed for a third reading.

Mr. Ellis made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Tippecanoe county, praying for the establishing additional ferries therein, have had the same under consideration, and have reported the following bill:

No. 339, a bill to authorise the board doing county business in the county of Tippecanoe to establish additional ferries therein;

Read three several times and passed.

Mr. Clark made the following report:

MR. SPEAKER:

The select committee to whom was referred the "bill to provide for the partition of the real estate of Joseph McAllister, late of Vanderburgh county, deceased," according to order have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

Said bill was then read a third time and passed.

Mr. Runyon made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Kosciusko county on the subject of making petitioners for re-locating seats of justice liable for damages, have, according to order, had that subject under consideration, and have directed me to report that they deem it inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which was concurred in and the committee discharged.

Mr. Saunders made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Harvey Yeaman and others, citizens of Decatur county, on the subject of jurisdiction of justices of the peace, have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the subject;

Which was concurred in and the committee discharged.

Mr. Robinson of Rush made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills and joint resolutions of the Senate, and find the same correctly enrolled, to-wit:

No. 105, an act to amend an act entitled an act for the preservation of sheep, approved January 25, 1841;

No. 100, an act for the relief of John W. Hitt and others;

No. 23, an act to amend an act entitled an act concerning ejectments and for the relief of occupying claimants of land, approved Jan. 13, 1831;

No. 63, a joint resolution appointing an agent to examine the state and condition of the State Bank and each and every Branch thereof;

No. 99, an act to fix the fees of sheriffs in certain cases;

No. 123, an act giving further time to assessors;

No. 45, an act for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe;

No. 126, an act to incorporate the White river manufacturing company, in Daviess and Knox counties;

Ne. 181, an act concerning petit jurors in certain counties therein named;

No. 149, an act to exempt probate judges from arrest;

No. 185, an act providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal east of Tippecanoe river;

No. 237, a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensly, late superintendents of the State Prison;

No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike;

No. 166, an act to amend an act entitled an act amendatory to the charter of Michigan City, approved February 15, 1841;

No. 59, an act for the relief of the members of the fire company No. 1, in the town of Fort Wayne.

Mr. Chapman of H., from a select committee, reported back No. 31, of the Senate, a bill applying certain funds to purposes of education.

Mr. Chapman of L., made a minority report, from the same committee, reporting a substitute for said bill.

Mr. Chapman of L. moved to concur in said bill with an amendment;

Which prevailed.

Mr. Bradley moved to amend as follows:

"*Provided*, That any and all fees and moneys, paid into any clerk's office, for fees or costs, and which shall have remained in the hands of any clerk, unclaimed by the person for whom the same were paid, for the space of two years, shall be paid by the clerk to the school commissioner, for the use of common schools; and all moneys which may be paid to any county treasurer by virtue of this act, shall, if the same shall remain in his hands for the space of one year unclaimed, be paid in like manner to such school commissioner, for the use of common schools: *And, provided further*, That if any person or persons, entitled to any such fees, shall afterward claim the same, the said seminary trustee shall refund and pay the same to such person or persons."

Which was adopted.

Mr. Bearss moved to amend as follows:

Insert in its proper place the following:

"That when any clerk shall fail to pay over to the proper person, the amount of judgments, when demanded, he shall on conviction, be fined not less than fifty dollars nor more than two hundred; and shall pay to the person entitled to the money so demanded, double the amount of his due."

Said bill, as amended, was then read a third time, and on its passage, Messrs. Quick and Sinks demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Chapman of H., Clark, Clements, Cogswell, Devin, Foley, Foulk, Frink, Garrigus, Goodhue, Grover, Hendricks, Henley, Hoobler, Howard, Hutton, Lee, Lingle, Marsh, Marshall, Meeker, Montgomery, Murray, Nelson, Proctor, Rand, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Shively, Shoup, Simonson, Snook, Thompson of F., Tisdale, Townsend, Williamson, Wines of A., Wines of V., and Yocum—45.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Brown of Marion, Butler, Chapman of L., Chrisman, Cooley, Coon, Cotton, Cooper, Davis of S., Dunbar, Edwards, Ellis, Gilbert, Goodenow, Graham, Hackleman, Hannegan, Harding, Hodges, Leslie, Matheny, McAllister, Milliken, Mitchell, Monroe, Norvell, O'Neill, Peak, Poulson, Quick, Rannels, Reed, Saunders, Sayler, Sinks, Snoddy, Thompson of N. and L., Warriner, and Mr. Speaker—43.

Mr. Thompson of F., made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Wm. Dickey, 2d, former collector of Fayette county, have had that subject under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 340—a bill for the relief of the late collector of Fayette county;

Read first, second, and third times, (the rules being suspended) and passed.

Mr. Wines of V. made the following report:

MR. SPEAKER:

The select committee to whom a petition of sundry citizens of Clay, Putnam, Park, and Vigo counties, on the subject of a new county, together with a remonstrance from the citizens of Vigo coun-

ty was referred, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Harding made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Abraham B. Smock and others, citizens of Marion county, in relation to a common school therein named, have had the same under consideration, and have directed me to report the following bill:

No. 341—a bill for the benefit of a private school in Marion county;

Read first, second, and third times, (the rules being suspended) and passed.

Mr. McAllister made the following report:

MR. SPEAKER:

The select committee to which was referred a petition of citizens of Madison and Henry counties, praying for a state road from Anderson-town in Madison county, to Middletown in Henry county, have had the same, together with a remonstrance numerously signed, under consideration, and have directed me to report, that in the opinion of the committee it is inexpedient to legislate upon the subject, and that the committee ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged.

Mr. Brown of M., made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Marion county, and the remonstrance of sundry other citizens on the same subject, have directed me to report the following bill:

No. 342—a bill to authorize the opening of an alley in the town of Indianapolis;

Read three several times and passed.

Mr. Cotton from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred a bill of the House "appointing bridge commissioners in the counties of Spencer and Perry, and defining their duties" have had the same under consideration, and have directed me to report the same back and recommend its passage.

Said bill was then read a third time and passed.

Mr. Goodhue made the following report:

MR. SPEAKER :

The select committee to whom was referred sundry petitions of Jennings county, praying that the benefit of the law for the protection of sheep might be extended to said county; also, a remonstrance against the same; have had the subject under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate upon that subject at the present session.

Which was concurred in, and the committee discharged.

The following message was received from the Senate, by Mr. Maguire their Secretary :

MR. SPEAKER :

The Senate has concurred in the amendment made by the House of Representatives to the amendment of the Senate, to the bill of the House of Representatives No. 269, with an amendment; in which the concurrence of the House of Representatives is respectfully requested.

The said amendment was concurred in.

The following message was received from the Senate by Mr. Farquhar, their assistant secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed joint resolution, No. 173, in relation to Bank Directors ;

In which the concurrence of the House is respectfully requested.

Said joint resolution was read a first time, and passed to a second reading.

Mr. Montgomery made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred bill No. 274 of the House, entitled "a bill to incorporate the Pine Bridge company," have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was read a third time and passed.

Mr. Simonson made the following report :

MR. SPEAKER :

The committee on the State Bank, to which was referred a petition of sundry citizens of Clark county in relation to a Branch Bank, have had the same under consideration, and have directed me to report the following bill :

No. 344—a bill to create the fourteenth Branch bank district ;

Read a first and second times, (the rules being suspended).

Mr. Edwards moved the bill be indefinitely postponed.

And upon this question, Messrs. Edwards and Simonson asked the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett of L., Bowers, Brown of D., Brown of M., Butler, Chapman of H., Chrisman, Clark, Cogswell, Cooley, Coon, Cotton, Davis of S., Edwards, Ellis, Frink, Garrigus, Graham, Grover, Hendricks, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Matheny, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Ritchey, Robinson of C., Rooker, Saffer, Saunders, Sayler, Shoup, Snoddy, Thompson of F., Thompson of N. and L., Tisdale, Townsend, Warriner, Yocum, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bradley, Chapman of L., Clements, Cooper, Davis of F., Defrees, Devin, Dunbar, Gilbert, Goodenow, Goodhue, Hackleman, Hannegan, Harding, Henley, Hodges, Lee, Marshall, Matheny, McAlister, Murray, Nelson, Rawlings, Reed, Robinson of Rush, Runyon, Simonson, Sinks, Snook, Stratton, Williamson, Wines of A., and Wines of V.—34.

On motion, the House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Bradley moved a re-consideration of the vote, on the passage of a bill providing for the opening of a certain alley in Indianapolis ;

Which prevailed.

The bill was then referred to a select committee of Messrs. Lee, Cogswell, and Foulk.

On motion, the bill and joint resolution providing for a resumption of specie payments, were taken from the table, and referred to a select committee of Messrs. Henley, Defrees, Brown of D., Bradley, and Chapman of L.

Mr. Wines of A. presented the following protest, which was ordered to be spread upon the journals, to-wit :

Protest against the passage of the bill entitled "a bill to provide for

the continuance of the construction of all and any part of the public works of this State, by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer.

We enter this, our solemn protest, generally.

1st. Because it is proposed by said bill, to give away, without consideration, public works which have cost the State more than six millions of dollars; and

2dly. Because by the provisions of said bill, the great American principle of equal rights, is violated by the prospective bestowment of exclusive privileges on associations or companies of men. But particularly first, against the features of the bill which gives to such associations the power to legislate at discretion, the rate of tax to be charged on property passing over such work, thereby dividing the highest prerogative of sovereignty with an irresponsible, soulless, and mercenary corporation. Secondly, against that feature of the bill which is in the following words, to-wit: "The said association may use its own boats, vessels, craft, and cars *alone*, for transportation, or it may permit such to be owned and used by others," surrenders the sole use of said public works to a few favored individuals, and so far creates a corporate or collective aristocracy.

3dly. And most emphatically, against that feature of the bill which gives banking powers to the several associations that may be formed under the provisions of said bill, and the more so as such banking privileges are based upon real estate, achieving thereby the utter prostration of the glorious constitution of our beloved State, leaving yet to be done, in the true spirit of the bill, only, that the bills or scrip of such associations be made a legal tender.

4thly. Against that feature of the bill which gives undeserved character to the scrip or bills to be issued by said corporations, by making it the duty of the treasurer of State to indorse said scrip or bills, thereby enabling such associations to deceive and defraud the unwary, erecting throughout the State numberless swindling shops—for experience teaches us that such incorporated bodies of men have always been ingenious in evading the law and subserving their own interest at the expense of the people.

5thly. Against that feature of the bill which makes "it the duty of the agent having charge of any public work, on the part of the State and in her name, to vest annually the net proceeds arising from the State's part of the work in payment of stock in such associations as may be completing the balance of such work," thereby taking from the State the ability to meet her engagements, making her partner in the frauds that may be practiced by such associations, and bringing her down from her high estate to a level with creatures of her own making.

6thly. Against that feature of the bill which gives such corporations, without charge, the proceeds of the finished part of our public works, (deducting only the net profits of 1841) for twenty years, and forever, unless the State refunds to said corporations the sums of

money expended in completing any of said works, with six per cent. interest thereon, conferring thereby on such association, a virtual grant of corporate privileges in perpetuity, to the extent above mentioned; not even reserving to the United States, nor to the State of Indiana, the right to transport troops and munitions of war, free of tax, duty, or toll—an immunity never before heard of in the history of such associations.

7thly. Against that feature of the bill which confers on the treasurer of State the power to appoint certain officers of State, which officers, according to a safe precedent and republican usage, have been heretofore elected by joint ballot of the legislature.

We, the undersigned, in the name of common justice—of republican principles—of equal rights—in behalf of useful legislation, and in our own names, do most honestly and solemnly protest.

M. S. Wines,	Martin Snoddy,
Jno. W. Davis,	Frederick Leslie,
John Hoobler,	C. C. Graham,
Jeptha Garrigus,	W. M. Saffer,
P. L. Runyon,	Henry Lingle,
W. B. Mitchell,	A. L. Robinson,
John Poulson,	Justus Davis,
M. Z. Sayler,	John Thompson,
Ethan A. Brown,	Henry C. Monroe,
John F. O'Neill,	John J. Barnett,
William Coon,	Lewis Warriner.

On motion of Mr. Hannegan,
Bill No. 44, for the relief of the borrowers of the surplus revenue, and other funds, was taken up.

The question being on concurring with the first amendment of the Senate,

Mr. Thompson of F. moved to concur with the following amendment:

Concur with this amendment—

Insert in the proper place,

"Nothing in this act shall be so construed as in anywise to change the laws now in force, as to the loaning and collecting of that portion of the surplus revenue, which certain counties in this State have decided to convert into bank stock."

The ayes and noes were demanded on this question, by Messrs. Thompson of F. and Montgomery.

Those who voted in the affirmative were,

Messrs. Bowers, Brown of D., Coon, Cooper, Davis of S., Devin, Dunbar, Foulk, Frink, Garrigus, Goodenow, Goodhue, Howard, Hut-ton, Lawrence, Milliken, Montgomery, Myers, Rand, Reed, Saunders, Sayler, Thompson of F., Thompson of N. and L., Tisdale, Williamson, and Yocum—29.

Those who voted in the negative were;

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clark, Clements, Cogswell, Cooley, Cotton, Davis of F., Defrees, Edwards, Ellis, Foley, Gilbert, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAlister, Meeker, Mitchell, Monroe, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rannels, Rawlings, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Shively, Simonson, Sinks, Snoddy, Snook, Townsend, Warriner, Wines of A., Wines of V. and Mr. Speaker—65.

The question recurring on concurring with the first amendment of the Senate,

The ayes and noes were demanded by Messrs. Harding and Hannegan.

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Dearborn, Chrisman, Davis of Floyd, Goodenow, Goodhue, Hackleman, Howard, Lawrence, Marsh, Milliken, Montgomery, Rand, Rawlings, Saunders, Sayler, Sinks, Thompson of Noble and Williamson—19.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Sullivan, Devin, Dunbar, Edwards, Ellis, Foley, Frink, Garrigus, Gilbert, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lee, Leslie, Lingle, Matheny, May, McAlister, Meeker, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rannels, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Tisdale, Townsend, Warriner, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—73.

The House then refused to concur in [the] second, third and fourth amendments of the Senate.

Mr. Chapman of Laporte moved to strike [out] the three last sections;

Which was lost.

Mr. Brown of Marion moved to concur with the following:

Add at the end [of] fifth amendment, "and provided that the interest shall be reduced in manner aforesaid on all amounts owing on sales of mortgaged lands on credit, which were of the treasury, and all other loans made by the State;"

Which prevailed.

Mr. Hannegan moved to strike out "eight" and insert "seven," as the rate of interest;

Which was agreed to.

Mr. Hannegan moved to amend as follows: At the end of Sec. 4, [insert] as follows: "Except as is provided for in this act."

The question on concurring in 6th amendment of the Senate was taken by ayes and noes as follows:

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cogswell, Cooley, Cooper, Davis of Sullivan, Defrees, Dunbar, Ellis, Foley, Garrigus, Gilbert, Gorman, Graham, Grover, Harding, Hendricks, Henley, Hoobler, Marshall, Matheny, McAllister, Meeker, Monroe, Murray, Nelson, O'Neill, Peak, Rannels, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Shively, Shoup, Thompson of Fayette, Tisdale, Townsend, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Brown of Dearborn, Chapman of Laporte, Clark, Clements, Coon, Cotton, Davis of Floyd, Devin, Edwards, Frink, Goodenow, Goodhue, Hackleman, Hannegan, Hodges, Howard, Hutton, Lee, Leslie, Lingle, Marsh, May, Milliken, Mitchell, Montgomery, Norvell, Poulson, Proctor, Quick, Rand, Rawlings, Saunders, Sayler, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Warriner and Williamson—44.

The seventh amendment of the Senate was then disagreed to.

On motion of Mr. Brown of Dearborn,

One hundred copies of the statement of the condition of the sinking fund was ordered to be printed.

Mr. Henley (on leave) made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House on the subject of resumption of specie payments by the Banks, and a joint resolution of the Senate on the same subject, have instructed me to report the joint resolution with one amendment—strike out all after the resolving clause and insert the following;

Which was concurred in.

On motion of Mr. Henley,

The said joint resolution was considered as engrossed, and read a third time.

The question then being on its passage, and the ayes and noes being demanded by Messrs. Garrigus and Henley, are as follows:

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bradley, Brown of D., Brown of Marion, Butler, Chapman of LaPorte, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Defrees, Dunbar, Ellis, Frink, Garrigus, Gilbert, Graham, Grover, Hackleman, Hannegan, Harding, Henley, Hoobler, Hutton, Lawrence, Marsh, Marshall, Matheny, May, M'Allister, Meeker, Milliken, Monroe, Murray, Myers, Nelson, Norvell, Proctor, Quick, Rand, Rannels, Reed, Robinson of Carroll, Robinson of Rush, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Sinks, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Wines of Allen, Wines of Vigo and Yocum—66.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Chapman of Hancock, Clark, Cotton, Devin, Edwards, Foley, Goodenow, Goodhue, Hendricks, Hodges, Lee, Leslie, Montgomery, Rawlings, Rooker, Snoddy, Williamson and Mr. Speaker—21.

Mr. Ritchey moved to amend the title of said joint resolution so as to make it read a joint resolution "to legalize the suspension of the banks ;"

Which did not prevail.

A report of the auditor in relation to the assessments was taken from the table and 500 copies ordered to be printed.

The following message was received from the Senate by Mr. Corbett, a member :

MR. SPEAKER :

The Senate has passed an engrossed bill thereof entitled,

No. 217, an act for the relief of Ebenezer S. Hawley, former collector of Ripley county.

In which I am directed to ask the concurrence of the House of Representatives.

Which was read three several times (rules being suspended) and passed.

The following message was received from the Senate by Mr. Gregory, a member :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed [an] engrossed bill thereof, to-wit :

No. 169, an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company ;

In which the concurrence of the House is requested.

Read a first and second times (rules being suspended) and,

On motion of Mr. Nelson,

Referred, with a petition, to the committee on corporations.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled,

No. 207, an act incorporating the Delphi storage and forwarding company ;

No. 203, an act to vacate the town of Richardville.

The Senate insists on its first amendment to bill No. 11 of the House, in relation to treasury notes.

D. MAGUIRE, *Secretary.*

The House insisted on its disagreement to the amendment of the Senate, and Messrs. Hannegan and Henley were appointed a committee of free conference on the part of the House to take into consideration the disagreement between the two Houses.

The following message was received from the Senate by a member thereof :

MR. SPEAKER :

I am instructed to inform the House of Representatives that the Senate has passed an engrossed bill thereof entitled,

No. 175, a bill for the relief of certain persons therein named ;

In which I am requested respectfully to ask the concurrence of the House of Representatives.

Read a first and second times (rules being suspended) and referred to the judiciary committee.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed, without amendment, bills of the House of Representatives of the following titles :

No. 152—an act for the relief of Huntington county ;

No. 291—an act to authorize the furnishing of hydrant water to the town of Attica ;

No. 292—an act for the relief of the owners of certain lots in the town of Bloomington ;

No. 300—an act to amend an act to incorporate the town of Terre Haute, approved, Feb. 17, 1838 ;

No. 203—an act to vacate the town of Richardville ;

No. 271—an act to lengthen the terms of the courts in Dearborn county ;

Also, the following bill of the House of Representatives, with amendments:

No. 208—an act defining the southern boundary of Miami county, and to organize Tipton county;

In which amendments, I am instructed to ask the concurrence of the House of Representatives.

The Senate has also passed engrossed bills thereof, entitled as follows, viz:

No. 167—an act to repeal a portion of an act regulating the salaries of Auditor, Secretary, and Treasurer of State, approved, Feb. 4, 1841;

No. 176—an act relative to the duties of the Commissioners of the three per cent fund;

No. 198—an act relative to a state road in Washington and Clark counties;

No. 208—an act for the relief of the trustees of the Mount Salem Church in Monroe county;

No. 209—an act to amend an act entitled, an act to establish certain state roads therein named, and for other purposes, approved, Feb. 17, 1838;

No. 211—an act to amend an act entitled, an act relative to the surplus revenue in Carroll county;

No. 212—an act relative to the public square in the town of Evansville in Vanderburgh county;

No. 213—an act to provide for a more uniform mode of doing township business in the county of Jay;

No. 214—an act to amend an act entitled, "an act to organize the Militia of Indiana," approved, Feb. 10, 1836.

Also, a joint resolution of the Senate entitled, No. 200, a joint resolution in relation to the Wabash and Erie canal lands;

In which several bills, and joint resolution, I am directed to request the concurrence of the House of Representatives.

The first amendment to bill No. 208 mentioned in said message, was disagreed to, and the second amendment concurred in.

No. 167, [S. B.] mentioned in said message was read a first time and passed to a second reading.

No. 176, mentioned in said message, was read a first time and passed to a second reading.

No. 198, 208, 211, 212, and 200, mentioned in said message, were read three several times [rules suspended] and passed.

No. 209, mentioned in said message, was read a first time and passed to a second reading.

No. 213, mentioned in said message, was read a first time, and laid on the table.

No. 214, spoken of in said message, was read a first and second times [rules suspended] and referred to the committee on Military Affairs.

The following message was received from the Senate by Mr Farquhar, their assistant secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, engrossed bills of the House as follows:

No. 183—to remove the disability of Mary Ann Brewner;

No. 204—to vacate a part of a certain state road therein named, and to declare a certain portion of a county road a state road;

Also, the following joint resolution:

No. 198—relative to the harbor of St. Joseph at Lake Michigan.

I am further directed to inform the House of Representatives, that the Senate has passed engrossed bill of the House, with amendments as follows:

No. 75—to amend an act entitled "an act authorizing aliens and foreigners to hold real estate within the State of Indiana," approved, Jan. 14, 1818;

Also, an engrossed bill of the Senate, as follows:

No. 158—providing a penalty for the violation of a certain law therein named.

In which amendments of the Senate to bill of the House No. 75, and engrossed bill of the Senate, the concurrence of the House is respectfully requested.

The amendment to No. 75, mentioned in the above message was concurred in.

No. 158, mentioned in said message, was read a first and second times [rules suspended] and referred to the Judiciary committee.

Message from the Senate by Mr. Harris, a member:

MR. SPEAKER:

I have been directed by the Senate to inform the House of Representatives, that the Senate has receded from their disagreement to the amendment of the House to the following bill of the Senate, to-wit:

No. 20—an act for the relief of the owners of Wabash and Erie canal lands.

The following message was received from the Senate by Mr. McGuire, their secretary:

MR. SPEAKER:

The Senate insists on its first amendment to the bill of the House of Representatives No. 11, authorizing the issue of five dollar treasury notes, for the redemption of the fifty dollar treasury notes now in circulation.

The following message was received from the Senate by Mr. Davis, a member:

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that they have passed engrossed joint resolution of the House No. 242, entitled, a joint resolution authorizing the board of Internal Improvements to settle the claims of the residue of the contractors on the southern division of the Central Canal, with one amendment, to which they respectfully ask the concurrence of the House of Representatives.

The House proceeded to the consideration of

BILLS ON THIRD READING.

No. 77 of the Senate, a bill to amend an act for the regulation of the State Prison, &c.

Mr. Henley moved to amend as follows:

Add two additional sections.

SEC. 7. And in case neither of said superintendents resign as aforesaid, then it may be lawful for the present sureties of said superintendents, or for either of them, to notify the Governor that they or he are or is unwilling to remain longer surety on said bond; and thereupon it shall be the duty of the Governor to notify said superintendents thereof, and to require of them to give further bond with security as is required by law. And should said superintendent fail to do so, then the Governor is authorised to appoint another superintendent as is provided for in section hereof, and require bond and security according to law. And in either case, the bond of the present superintendents, from the time of the giving of said second bond, shall cease and be void as to any subsequent liabilities, provided that the present superintendents and their sureties shall not be discharged from any liabilities occurred on said bond up to that time.

SEC. 8. Provided that in case of the resignation or other disqualification of either or both of the present superintendents, all the materials on hand and all the tools and implements on hand, which are necessary to carry on the business of the prison, shall be taken by their successor, if required by said superintendents, at a fair valuation, to be ascertained and estimated by two disinterested persons to be appointed by the Governor, and in case of their disagreement, they choose a third; to be paid for by the successor of said superintendents, in two equal instalments of six and twelve months from the valuation aforesaid;

Which were adopted.

On motion of Mr. Brown of D.,

No. 249—a bill to incorporate the Lawrenceburg and Napoleon turnpike company, was taken from the table, read a third time and passed.

Mr. Wines of A., on leave, introduced bill

No. 345—to authorize the children of Joseph Richardville to inherit the property of their ancestors.

Read three several times (rule suspended) and passed.

Mr. Shoupe, on leave, introduced bill

No. 346—to prevent the use or adoption of the county seminary in Franklin county, as a district school house.

Read three several times (rule suspended) and passed.

Mr. Brown of M., on leave, introduced the following bill:

No. 347—a bill to amend the act supplemental to an act for the appointment of trustees to receive deeds, &c. for the use of schools and meeting houses.

Read first, second and third times (rule suspended) and passed.

Mr. Henley, on leave, offered the following resolution:

Resolved, That the committee of ways and means be directed to allow in the specific appropriation bill, to M. M. Milford, sixty-nine dollars for twenty-three days services as assistant sergeant-at-arms, and sixty dollars for twenty days services as clerk to the investigating committee to the House of Representatives; making in all one hundred and twenty-nine dollars—and that the treasurer of State be directed to pay the same upon a presentation of a copy of this resolution, certified by the clerk of this House;

Which was adopted.

Mr. Bearss, on leave, introduced bill

No. 348—a bill to regulate the duty of clerks of the circuit courts.

Read first, and second times (rule suspended) and referred to the judiciary committee.

No. 248—a bill to amend the act, &c. for distributing surplus revenue, &c. of the U. S. as the State of Indiana may be entitled, &c.

Read a third time and passed.

No. 214—a bill to amend an act locating a certain state road therein named.

Read a third time and passed.

Mr. Defrees, on leave, offered the following resolution:

Resolved, That this House will, the remainder of the session, commencing Monday evening next, sit every evening, from the hours of half past six o'clock, P. M. until 9 o'clock, P. M., to proceed with the orders of the day, and that the chief clerk be authorised to employ such assistant clerks as may be necessary to transact the business.

Pending which, the House adjourned till to-morrow morning 9 o'clock.

SATURDAY MORNING, JAN. 22, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Brown of M., presented the claim of Messrs. Smith and Quarles;

Referred to the committee on claims.

Mr. Montgomery moved to reconsider the vote referring a certain petition to the committee on education;

Which motion prevailed;

When said petition was referred to a select committee.

Messrs. Montgomery, Robinson of C. and Sayler were appointed said committee.

PETITIONS WERE PRESENTED,

By Mr. Warriner, on the subject of pre-emptions;

Laid on the table.

By Mr. Norvell, of sundry citizens of Lawrence county, relative to the jurisdiction of justices of the peace;

Referred to a select committee of Messrs. Norvell, Barnett of L. and Robinson of C.

By Mr. Chapman of L., relative to a state road;

Laid on the table.

By Mr. Hannegan, relative to the branch bank at Michigan city;

Referred to the committee on the State Bank.

By Mr. Wines of A., relative to grand and petit jurors;

Laid on the table.

By Mr. Norvell, relative to a school district;

Referred to the committee on education.

By Mr. Bearss, on a subject therein named;

Referred to a select committee of Messrs. Bearss, Brown of M. and Davis of F.

Mr. Bradley, on leave granted, introduced the following resolution, which was adopted, to-wit:

Resolved, That the president of the State Bank be requested to inform this House, what is the present indebtedness of the cashier of the Michigan City branch bank, to said branch, of every kind whatever—what was his indebtedness at the time of his appointment—and his least indebtedness at any time since his appointment.

On motion of Mr. Ritchey,

Resolved, That Samuel Merrill, Esq., president of the State Bank of Indiana, be requested to inform this House, whether the attorney of the branch at Indianapolis is not also a director; and whether the clerk and cashier of the said branch are not both notaries public, and whether this *monopolizing* of the offices of the bank does not make it the *interest* of such officers to take such a course for their *own benefit* as re-

sults in *public injury*, and renders the bank more *emphatically* an engine of oppression.

Mr. Bearss, on leave, introduced the following resolution, which was not adopted, to-wit:

Resolved, That a select committee be appointed to inquire into the justice of equalizing the compensation of the executive officers; and to this end that they inquire as to the duties each has respectively to perform.

Mr. Hendricks, on leave, offered the following resolution; which was adopted, to-wit:

Resolved, That the judiciary committee be requested to inquire into the propriety of so amending the 71st section of the act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, so as to provide that when a justice's docket shall be temporarily placed in the hands of a justice of the peace, it shall be lawful for such justice to issue execution on judgment from said docket without transferring the same to his own docket.

The House now again proceeded to the consideration of bill of the House, No. 122, to reduce the compensation of members of the General Assembly, and to provide for the administration of the government upon principles of strict economy; the pending question being on concurring in the amendment of the committee of ways and means to said bill, with the proposed instructions of Mr. Chapman of Hancock.

Mr. Goodhue moved a call of the House;

Which was ordered.

The roll being called, the further consideration thereof was suspended.

Mr. Davis of Floyd moved to amend said instructions, by adding the following:

"And to reduce the pay of the members of the present General Assembly to two dollars per day;"

Which was adopted.

Mr. Hannegan moved that the bill and proposed amendments be laid upon the table; and

The ayes and noes being demanded thereon by Messrs. Bowers and Townsend,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bradley, Butler, Chapman of Laporte, Clark, Defrees, Dunbar, Goodhue, Hannegan, Henley, Lee, Leslie, Lingle, Marshall, Matheny, Mitchell, Murray, Myers, Rawlings, Ritchey, Runyon, Saffer, Simonson, Sinks, Snoddy, Stratton, Tisdale, Warriner, Wines of Allen, Wines of Vigo and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bowers, Brown of Marion, Chapman of Hancock, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hackleman, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Marsh, May, M'Allister, Meeker, Milliken, Monroe, Montgomery, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Sayler, Shively, Shoup, Snook, Thompson of Fayette, Thompson of Noble, Townsend, Williamson and Yocum—61.

Mr. Davis of Floyd moved to strike out of the instructions offered by Mr. Chapman of Hancock, all that relates to the fees of county officers; and

The ayes and noes being demanded thereon by Messrs. Thompson of Noble and Chapman,

Those who voted in the affirmative were,

Messrs. Bradley, Coon, Davis of Floyd, Defrees, Ellis, Hackleman, Runyon, Snoddy, Stratton, and Wines of Vigo—10.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Sullivan, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAllister, Meeker, Milliken, Mitchell, Montgomery, Myers, Nelson, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Sayler, Shively, Shoup, Simonson, Sinks, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Wines of Allen, Williamson, Yocum and Mr. Speaker—76.

The question recurring on referring to a select committee, with the instructions aforesaid; and

The ayes and noes being demanded thereon by Messrs. Chapman and Bearss,

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hackle-

man, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAllister, Meeker, Milliken, Monroe, Montgomery, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen and Yocum—76.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bradley, Brown of Dearborn, Butler, Clark, Coon, Defrees, Dunbar, Goodhue, Lee, Mitchell, Robinson of Rush, Runyon, Sinks, Snoddy, Snook, Stratton, Wines of Vigo and Mr. Speaker—20.

Messrs. Chapman of Hancock, Townsend, Rand, Proctor and Garrigus were appointed said committee.

Mr. Hendricks, from the minority of the committee of ways and means, made the following report:

MR. SPEAKER:

The undersigned, a minority of the committee of ways and means, ask leave to dissent from the action of said committee on the bill of this House entitled, "a bill to reduce the compensation of members of the General Assembly, and to provide for the administration of the government on principles of strict economy," and herewith report the following bill.

WILSON THOMPSON,
JOHN HENDRICKS.

Said bill No. 349, to reduce the compensation of certain officers, was referred to the foregoing committee.

Mr. Matheny made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill No. 281, an act amending an act entitled, an act directing the mode of suing out and prosecuting writs of *habeas corpus*, have had that subject under consideration, and have directed me to report it back without amendment and recommend its passage.

The report of the committee was concurred in and the bill read a third time and passed.

Mr. Matheny, from the same committee, made the following report:

Mr. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House to inquire into the expediency of so amending the law defining the duties of county recorders, so as to permit them in all cases where they discover errors in deeds and other instruments of writing, required by law to be recorded, to return said instrument of writing to the proper person for correction, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Gorman made the following report :

Mr. SPEAKER :

The judiciary committee, to whom was referred a bill of the House entitled, a bill to change the mode of doing county business in the county of Washington, have had that subject under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

Said bill was then read a third time and passed.

Mr. Brown of M. made the following report :

Mr. SPEAKER :

The judiciary committee to whom was referred a resolution directing them to inquire into the expediency of providing by law for the indictment and punishment of officers and directors of banks, violating their charters, have had that subject under consideration, and have directed me to report the following bill :

No. 350—a bill to amend an act relative to crime and punishment ;

Which was read a first and second times ; when

Mr. Bradley moved to amend, so as to exempt bank officers, after the 4th of July ;

Which was agreed to.

Mr. Bradley also moved to amend, by adding the following :

"Except for the non-payment of specie, in cases provided for by the joint resolution relative to a resumption of specie payments, and for other purposes, where *scire facias* is not directed to be issued ;

Which was adopted.

Mr. Saffer moved to strike out of the third line of the first section of the bill, the word "knowingly ;"

Pending which,

On motion of Mr. Davis of F.,

The bill and amendments were referred to the committee on the judiciary ;

Which motion was decided in the affirmative.

Mr. Ritchey made the following report :

Mr. SPEAKER :

The committee on education to whom was referred an engrossed bill of the Senate, entitled, "a bill for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties," have had the same under consideration, and have directed me to report it back to the House with one amendment, and recommend its passage.

The amendment was concurred in, and the bill read a third time and passed.

Mr. Ritchey, from the same committee, made the following report :

Mr. SPEAKER :

The committee on education, to whom was referred "a bill to prevent the use or adoption of county seminaries, as a district school-house and for other purposes," having had the subject before them at an early part of the session, and after mature reflection, made an adverse report, have again examined it in the new shape in which it has been presented to them, and have directed me to report the bill back to the House and recommend its indefinite postponement.

The bill was postponed accordingly.

Mr. Gorman made the following report :

Mr. SPEAKER :

The committee on education, to whom was referred the petition of the school commissioner of Greene county, have had that subject under consideration, and have directed me to report a bill,

No. 351—for the relief of the school commissioner of Greene county ;

Which was read three several times, (the rules being suspended) and passed.

Mr. Dunbar, from the committee on education, made the following report :

Mr. SPEAKER :

The committee on education to whom was referred a resolution of the House, instructing them to inquire into the expediency of ordering the sale of the Knox county seminary to be sanctioned, and the proceeds thereof to be instantly paid over to the proper officer or officers, under the direction of the board doing county business, as a county seminary fund, have had the same under consideration, and have directed me to report :

That by the preamble accompanying the aforesaid resolution, it is

clearly shown, that conflicting claims exist with regard to the ownership of the said seminary edifice, &c.; one party claiming as trustees of a seminary of learning, by virtue of certain acts of Congress, granting the donation of a township of land, of which the property in question is a part; the other party claiming as seminary trustees of Knox county, under certain acts of the General Assembly of the State of Indiana. This committee think that these adverse claims should be investigated and determined upon, before a judicial tribunal, where a more full opportunity will be afforded for a thorough examination of the subject, and for meting equal justice to both parties. The committee, therefore, think it would be inexpedient to legislate upon the matter, and pray to be discharged from any further consideration of the subject.

Mr. Myers moved to re-commit the resolution to a select committee;

Which motion prevailed; and

Messrs. Myers, Poulson, and Devin were appointed said committee.

A message from the Senate, by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill and joint resolution of the House of Representatives, entitled as follows:

No. 196—an act to amend an act, entitled, an act prescribing the duties of county auditor, approved Feb. 12, 1841;

No. 227—a joint resolution in relation to the construction of a harbor at Michigan city.

Each without amendment.

Also, bills of the Senate, as follows:

No. 215—an act relative to the county of Benton;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 215, mentioned in the message, was read three several times, and passed, (the rules having been suspended).

A message from the Senate, by Mr. Farquhar, their secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has disagreed to the amendment of the House to joint resolution of the Senate,

No. 2, on the subject of a resumption of specie payments, and other purposes.

On motion of Mr. Henley,

The House insisted on their said amendment.

Ordered, That the Senate be informed thereof.

Mr. Leslie made the following report:

MR. SPEAKER:

The committee on roads, to which was referred sundry petitions, praying the appointment of commissioners to locate and re-locate State roads, have, according to order, had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of said petitioners:

No. 352—a bill appointing commissioners to locate and re-locate State roads therein named;

Which was read a first and second times, (the rules being suspended) and ordered to be engrossed for a third reading.

Mr. Hannegan, from the committee on canals and internal improvements, to whom was referred bill of the Senate No. 143, entitled "an act to amend an act to incorporate the Vevay and Napoleon turnpike and other turnpike companies," approved February 8, 1836, reported the same back without amendment.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Hannegan, also, from the committee on the judiciary, to which was referred bill of the House No. 281, amending an act entitled "an act directing the mode of suing out and prosecuting writs of *habeas corpus*," reported the same back without amendment.

Said bill was read a third time and passed.

Mr. Clark made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a bill to extend for a limited time the provisions of the 17th section of an act to provide for a general system of internal improvements, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its indefinite postponement.

Said bill was accordingly indefinitely postponed.

Mr. Hannegan, from the committee on canals and internal improvements, reported

No. 353, a joint resolution authorising the board of internal improvement to settle with H. & R. Stewart and William Jackson;

Which was read a first and second times (the rules being suspended) and ordered to be engrossed.

Mr. Clark made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of David Negley and Joel Lambert, have, according to order, had the same under consideration, and directed me to report a bill and recommend its passage:

No. 354, a bill for the relief of David Negley and Joel Lambert;

Which was read a first and second times (the rules being dispensed with) and ordered to be engrossed.

Mr. Wines of Allen made the following report:

MR. SPEAKER:

The committee on canals, &c., to whom was referred the petition of James B. Johnson, praying relief, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 355, a bill for the relief of James B. Johnson;

Which was read a first and second times (the rules being dispensed with) and laid upon the table.

Mr. Garrigus made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred a resolution of the House, instructing them to inquire into the expediency of so amending an act entitled an act to improve the breed of cattle and horses, approved February 15, 1838, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 356, a bill to amend an act to improve the breed of cattle and horses, approved February 15, 1838;

Which was read a first and second times, and after being amended in several particulars was ordered to be engrossed for a third reading.

Mr. Brown of Dearborn made the following reports:

MR. SPEAKER:

The committee on the State Bank, to which was referred the memorial of the board of directors of the Branch Bank at Lawrenceburgh, now report on so much thereof as proposes that the State redeem 52,000 dollars of state bonds in possession of said Branch,

That the memorial prays the legislature to surrender 32,000 dollars of her capital stock in the Bank, and receive in return an equal amount of the bonds of the State issued for bank capital; and that the State pay the Bank for the remaining 20,000 dollars of bonds in five dollar treasury notes bearing six per cent. interest.

The committee consider the acceptance of the former proposition unadvisable at this time; and the latter they deem objectionable on several grounds, and having heretofore reported on the other branch of the memorial, ask to be discharged from the further consideration thereof.

The committee on the State Bank report—

That inasmuch as this House has already acted upon the subject of the memorial of citizens of Allen county, praying the legislature to make provision for refunding the advances made for internal im-

provement, by the Branch Bank at Fort Wayne, the committee are of opinion that no recommendation concerning that matter, is required of them; and respectfully ask to be discharged from further consideration of the memorial.

The committee on the State Bank have had under consideration, a resolution referred to them, proposing to make it the duty of the directors of each Branch Bank, to publish, every two or three months, in the nearest newspaper, a statement of the business and condition of their respective Branches, so that the public may at all times know the solvency of the several Branches.

And also, a resolution concerning the expediency of so amending the bank charter, as to prevent any person from being eligible to the office of bank director for any of the Branches, who does not meet the regular calls of the bank on his paper,

Now report—

In regard to the former resolution, that the difficulty which even the more intelligent part of community must encounter in distinguishing the genuine exposition from the counterfeit, in detecting the difference between the fair and candid statement of an honest cashier and directory, and the disguised or falsified account of a cashier and directory of an opposite character, would render the proposed publication, as the committee believe, useless for the desired purpose.

In regard to the latter resolution aforesaid, the committee observe that they do not discover the present expediency of amending the charter of the bank, in the article proposed; and deem it better, for the present at least, to leave the selection of directors of the Branches to the vigilance of stockholders, and of the respective boards, and the prevention of improper credits to the latter, and to the supervising restraints which the board of directors of the State Bank may impose.

The committee accordingly request that they may be discharged from further consideration of these resolutions.

The committee was accordingly discharged from the several subjects above mentioned.

Mr. Goodhue made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 154, of the Senate, entitled, "an act to incorporate the trustees of the New Albany theological seminary," have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

So said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Davis of F., made the following report:

MR. SPEAKER :

The committee of ways and means, to which was referred bill of the House, No. 283, "to amend an act, entitled, an act to provide for the sale of certain lands therein named, approved Feb. 2, 1833," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Chapman of L. made the following report :

MR. SPEAKER :

The select committee to which was referred the bill of the House of Representatives, No. 246, entitled, "a bill to repeal an act regulating damages on protested bills of exchange," have had the same under consideration, and have directed me to report the same back with several amendments, and recommend their adoption.

The amendments were adopted, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate.

Mr. Thompson of F. made the following report :

MR. SPEAKER :

The select committee to whom was referred a remonstrance of Ross Smily and others, praying for the repeal of an act therein named, have had that subject under consideration, and have instructed me to report the following bill, and recommend its passage :

No. 357—a bill to repeal an act therein named ;

Read three several times, (the rules being dispensed with) and passed.

Mr. Yocum made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition from sundry citizens of Clay county, on the subject of enacting a law extending the duties of constables, justices, &c., so as to allow constables to serve process in different townships, where a vacancy occurs in any township by resignation or otherwise, have had that subject under consideration, and find it inexpedient to legislate thereon, and ask to be discharged from any further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Hoobler made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of sundry

citizens of Vermillion county, on the subject of passing a law regulating the fees of physicians, have had that subject under consideration, and directed me to report a bill and recommend its passage :

No. 358—a bill.

Mr. Goodhue moved to reject said bill.

And the ayes and noes being demanded thereon by Messrs. Hoobler and Garrigus,

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Brown of D., Butler, Clark, Clements, Cooley, Cooper, Davis of F., Davis of S., Defrees, Dunbar, Edwards, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hodges, Hutton, Lawrence, Lee, Lingle, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Norvell, O'Neill, Quick, Rawlings, Robinson of Carroll, Rooker, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of F., Thompson of N. and L., Tisdale, Warriner, Williamson, and Wines of V.—55.

Those who voted in the negative were,

Messrs. Bearss, Chapman of H., Chrisman, Cogswell, Coon, Devin, Foulk, Garrigus, Hackleman, Hannegan, Harding, Howard, Hoobler, Leslie, Marsh, Nelson, Peak, Poulson, Proctor, Rand, Rannells, Reed, Ritchey, Robinson of R., Runyon, Saffer, Sayler, Simonson, Townsend, Yocum, and Mr. Speaker—32.

Mr. Grover made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition and remonstrance of the citizens of the city of Logansport, on the subject of the repeal of their charter, have had that subject under consideration, and have directed me to report the following bill, and respectfully to request its passage :

No. 359—a bill to amend an act incorporating the city of Logansport, approved Feb. 17, 1838 ;

Said bill was read a first, second, and third times, and passed, (the rules being suspended).

Ordered, That the clerk inform the Senate.

Mr. O'Neill made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of Sarah Smith, have had the same under consideration, and have directed me to report the following bill :

No. 360—a bill for the relief of Sarah Smith, of Greene county.

Said bill was read a first and second times, and on the question,
Shall the bill be engrossed for a third reading?
And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bowers, Bradley, Brown of M., Butler, Chapman of H., Chapman of L., Chrisman, Clements, Cogswell, Cooley, Coon, Davis of S., Frink, Gilbert, Grover, Hannegan, Hendricks, Howard, Hutton, Lawrence, Lee, Lingle, Marsh, McAlister, Milliken, Mitchell, Monroe, Montgomery, Murray, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannels, Rawlings, Reed, Ritchey, Robinson of C., Robinson of Rush, Rooker, Saffer, Shiveley, Shoup, Simonson, Sinks, Snoddy, Snook, Thompson of F., Tisdale, Townsend, Warriner, Wines of V., Yocum, and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Brown of D., Clark, Cooper, Davis of F., Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Garrigus, Goodenow, Goodhue, Graham, Hackleman, Harding, Hodges, Hoobler, Leslie, Matheny, May, Meeker, Nelson, Runyon, Saunders, Saylor, Stratton, Thompson of N. and L., Williamson, and Wines of A.—30.

So said question was decided in the affirmative.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Defrees,

Resolved, That the board of internal improvement be requested to inform this House, whether the arm of the canal at Evansville, constructed through the city plat of the proprietors, Messrs. John Law & Co., has been paid for according to the agreement with the State board; if not, what sum is due? and whether steps have been taken to collect the money.

Mr. Hodges moved the following resolution; which was not adopted, to-wit:

Resolved, That the judiciary committee inquire into the expediency of so amending the laws of this State for the collection of debts, that hereafter no debt shall be collected by law for articles sold to the debtor, being the growth or manufacture of any other state or country, and contracted for within this State, except such articles as enter into the daily consumption of the mass of the people and cannot be procured in this State, and make it the duty of the grand jurors of each county in the State once in each year to inquire into, designate and publish all the necessary articles as above referred to, and publish the same in some public manner as the committee may suggest, and that they report thereon by bill or otherwise.

On motion of Mr. Defrees,

Resolved, That this House will hold night sessions on Monday, Wed-

nesday, Thursday, Friday and Saturday evenings of next week, commencing at half past six o'clock, P. M. on each on said evenings.

On motion of Mr. Stratton,

Resolved, That Jesse L. Williams, chief engineer, or the person whose duty it may be, furnish this House instantler with a copy of the contract or article of agreement entered into between the State of Indiana and the Madison company, in relation to the receipt and expenditure of the 400,000 dollars of state bonds heretofore appropriated for the continuation of the Madison and Indianapolis Railroad.

Mr. Grover moved the following resolution; which was not adopted, to-wit:

Resolved, That the committee on education be instructed to inquire into the expediency of so changing the time of holding the election of school trustees in the several school districts in this State, that the election shall take place on the first Monday of April in each year.

On motion of Mr. Gorman,

Resolved, That the clerks of this House be, and they are hereby authorised to employ such assistance as may be necessary to keep up with the business of this House until its adjournment.

Mr. Brown of Marion moved to take up bill 288.

By Mr. Dunbar, No. 362, a bill supplemental to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836, approved February 6, 1837.

Said bill was read three several times, (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate.

By Mr. Hackleman, No. 363, a bill to exempt the lands of revolutionary soldiers from taxation.

Said bill was read three several times, (the rules being suspended) and passed.

By Mr. Bearss, No. 364, a bill in relation to a certain creek in Miami county called Laselles creek.

Said bill was read a first and second times, (the rules being suspended) and [referred to the] committee on canals and internal improvements.

By Mr. Defrees, No. 365, a bill amendatory to the several acts regulating foreign and domestic attachments.

Said bill was read a first and second times, (the rules being suspended) and referred to the judiciary committee.

ORDERS OF THE DAY.

No. 290, a bill to provide for the election of an additional justice of the peace in Silver creek township, Clark county;

No. 127, a bill of the Senate, to vacate a part of the town of Crawfordsville;

No. 137, a bill to incorporate the Vincennes Historical [and] Antiquarian Society;

No. 261, a bill to amend an act entitled an act to incorporate the town of Newport, Wayne county, approved February 7, 1835;

Were severally read a first, second and third times, (the rules being suspended) and passed.

No. 117, a bill of the Senate for the more effectual suppression of extortion;

No. 124, a bill of the Senate, authorising the recorder of Noble county to correct the records of said county in a certain case therein named;

No. 141, of the Senate, a bill for the relief of Erastus D. Townsend;

No. 209, a bill of the Senate, to amend an act entitled "an act to establish certain state roads therein named and for other purposes," approved February 17, 1838;

No. 133, a bill of the Senate, to legalise the sale of a certain school section therein named,

Were severally read a second time and ordered to a third reading.

No. 135, a joint resolution of the Senate, in relation to the early settlement of this State, was read a second time and passed to a third reading.

No. 319, a bill of the House, for the relief of the citizens of Hamilton county;

No. 287, a bill of the House further to amend an act entitled "an act relating to public roads and highways," approved February 17th, 1838,

Were severally read a second time and ordered to be engrossed.

No. 173, a joint resolution of the Senate, in relation to bank directors, was read a second time and laid upon the table.

No. 131, a bill of the Senate amendatory of the acts now in force on the subject of notaries public, was read a second time and referred to a select committee of Messrs. Brown of Marion, Robinson of Carroll and Stratton.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment, and resumed the consideration of the orders of the day.

No. 254, a bill of the House, to declare a certain road in Wabash county a state road;

No. 272, a bill of the House, relative to licensing groceries in the county of Carroll;

No. 288, a bill to incorporate the New Albany patent bagging manufacturing company;

No. 273, a bill to vacate part of Grimes' addition to the town of Delphi, Carroll county;

No. 289, a bill for the relief of John Brown;

No. 280, a bill relative to the board of commissioners of Knox county;

No. 220, a bill declaring a certain name a misprint and for other purposes;

No. 221, a bill to amend an act entitled "an act to establish seats of justice in new counties, approved January 14, 1824;

No. 219, a bill to amend an act entitled an act, &c., relating to public roads and highways,

Were severally read a third time and passed.

Ordered, that the clerk inform the Senate.

No. 233, a bill to amend the several acts prescribing the mode of doing county business, and authorising the election of constables, approved February 17, 1838, and for other purposes, was referred to a select committee of Messrs. Montgomery, Goodhue and Chapman of Hancock.

No. 282;

No. 284, a bill to amend an act relative to crime and punishment, approved February 10, 1831, was read the third time and laid upon the table.

No. 114, a bill reorganizing the first judicial circuit, and fixing the time of holding courts therein, and for other purposes, was read a first time; when

Mr. Hannegan moved to commit the bill to a select committee with the following instructions:

1st. Strike Carroll county from the first circuit and add it to the second.

2d. Strike Benton from the eighth circuit and add it to the first; Which motion was decided in the affirmative.

Messrs. Montgomery, Robinson of Carroll and Hannegan were appointed said committee.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate insists on its disagreement to the amendment made by the House of Representatives to the joint resolution of the Senate No. 2, entitled a joint resolution on the subject of a resumption of specie payments and for other purposes; and Messrs. Chamberlain and Carnan have been appointed a committee of free conference on the part of the Senate to act with a similar committee which may be appointed on the part of the House of Representatives, to take into consideration the

subject matter of disagreement between the two Houses in reference to said amendment.

On motion of Mr. Defrees,

The House continued to insist on their said amendment; whereupon,

Messrs. Defrees and Brown of M. were appointed a committee of free conference on the part of the House.

No. 226—a bill to amend an act to amend an act declaring Patoka a public highway and for other purposes;

No. 104—a bill of the Senate, to authorise agents of the surplus revenue and others, to dispose of lands by them bid off on behalf of the State;

No. 176—a bill of the Senate, relative to the duties of the commissioners of the three per cent. fund;

No. 227—a bill to regulate the summoning of petit jurors in Dearborn county;

No. 230—a bill to authorise the board of county commissioners of Kosciusko county, to rescind an order by them made;

No. 311—a bill to incorporate the Hoosier company of Clark county;

No. 236—a joint resolution designating the same day throughout the United States for the election of President and Vice President;

No. 240—a bill authorising the administrator of Matthew H. Kempton to bring certain suits in Perry county;

No. 244—a bill to legalize the proceedings of the board of commissioners of Spencer county, with respect to the surplus revenue deposited in said county;

No. 256—a bill to provide for a state road therein named;

No. 90—a bill of the Senate, to repeal an act entitled an act to authorise Thomas S. Hinde to establish a ferry therein named;

No. 92—a bill of the Senate, to prevent the further sale or hypothecation of Indiana State bonds, by any fund commissioner or other agent;

No. 338—a bill to authorise the leasing of water power at the town of Pittsburg, Carroll county, and for other purposes;

No. 210—a bill for the location of the seat of justice in the county of Benton;

No. 262—a bill for the relief of Solomon Russell, late collector of Lake county, and his securities,

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate.

The following message was received from the Senate by Mr. Farquhar their assistant secretary:

MR. SPEAKER :

The Senate has concurred in the first amendment made by the House of Representatives to the bill of the Senate No. 77, entitled an act to amend an act for the regulation of the State prison, approved

Feb. 3, 1841, with three amendments, and has concurred in the second amendment without amendment;

Which amendments were concurred in.

No. 113—a joint resolution in relation to Indiana University;

No. 98—a bill of the Senate, to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved Feb. 24, 1840;

No. 299—a bill taxing individual stock in the several branches of the State Bank of Indiana;

No. 297—a bill for the location of a state road in the county of Brown;

No. 116—a bill of the Senate, concerning criminal practice;

No. 294—a bill for the benefit of Blackford county;

No. 263—a bill for the relief of John Tate;

Were severally read a third time and passed.

No. 277—a bill to provide for the preservation of the southern end of the southern division of the Central canal;

No. 212—a bill to facilitate proceedings in actions at law;

No. 138—a bill of the Senate, to amend an act entitled an act for the incorporation of county libraries, approved February 17, 1838;

No. 148—of the Senate, a joint resolution ratifying the 13th article of the Constitution of the United States,

Were severally read and laid upon the table.

No. 167—a bill of the Senate, to repeal a portion of an act regulating the salaries of auditor and secretary of State, approved February 4th, 1841, was read a second time; and on the question, shall the bill be read a third time? it was decided in the affirmative.

No. 265—a bill to equalize the lands, &c. in the several counties in this state, was read a second time; when

Mr. Dunbar moved that said bill be indefinitely postponed.

And the ayes and noes being demanded thereon, by Messrs. Goodhue and Stratton,

Those who voted in the affirmative were,

Messrs. Bowers, Butler, Chapman of H., Chapman of L., Chrisman, Clements, Coon, Cotton, Davis of S., Devin, Dunbar, Edwards, Frink, Garrigus, Gorman, Grover, Hannegan, Hendricks, Henley, Hoobler, Howard, Lawrence, Lee, Leslie, Matheny, May, McAlister, Mitchell, Monroe, Montgomery, Myers, Norvell, O'Neill, Peak, Poulson, Proctor, Rawlings, Ritchey, Robinson of Carroll, Saffer, Sayler, Shively, Simonson, Snoddy, Thompson of N. and L., Warriner, Wines of A., Wines of V., Yocum and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Brown of D., Brown of Marion, Clark, Cogswell, Cooley, Cooper, Davis of F., Defrees, Ellis, Foley, Foulk, Gilbert, Goodenow, Goodhue, Graham, Hackleman, Harding,

Hodges, Hutton, Meeker, Milliken, Murray, Nelson, Quick, Rannels, Reed, Robinson of Rush, Rooker, Runyon, Saunders, Shoup, Sinks, Snook, Stratton, Thompson of F., Tisdale, and Williamson—39.

No. 275—a bill to amend an act, entitled, an act to authorise the election of a justice of the peace and constable, in the town of Frederickburgh, in Washington county, approved Feb. 18, 1840;

Was read a second and third times, (the rules being suspended) and passed.

Ordered, That the Senate be informed thereof.

No. 286—a bill to amend an act, entitled, an act to amend an act to allow further time to the Lawrenceburgh and Indianapolis railroad company to settle up and close their affairs, approved Feb. 18, 1840; approved Feb. 4, 1841;

No. 285—a bill to legalize a marriage therein specified;

No. 298—a bill prescribing the mode of levying and collecting township taxes in the county of Dearborn;

No. 292—a bill for the relief of the widow and heirs of John Rea-soner, deceased;

No. 91—a bill of the Senate, for the appointment of a commissioner to make deeds, and for other purposes;

No. 102—a bill of the Senate, to amend an act for the relief of the poor, approved Feb. 17, 1838;

No. 134—a bill of the Senate, amendatory to an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 17, 1838;

No. 119—a bill of the Senate, to amend an act allowing and regulating the writ of *ad quod damnum*, approved Dec. 20, 1823;

No. 147—a bill of the Senate, to amend an act, entitled, "an act to incorporate the Indiana manufacturing company, approved Feb. 17, 1838;"

No. 149—a bill to amend an act relating to public roads and highways, approved Feb. 17, 1838;

Were severally ordered to be engrossed for a third reading.

No. 295—a bill to repeal a part of an act, entitled, "an act for the location of a State road in the counties of Harrison and Crawford;

Was read a second time and referred to a select committee of Messrs. Davis of F., Edwards and Saffer.

No. 296—a bill to erect that part of the town of Charlestown, Clark county, south of Walnut-street, into an "independent principal-ity;"

Was read a second time; when

Mr. Simonson moved to refer said bill to a select committee;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

No. 89—a bill to incorporate the Martinsville band of musicians;

Was read a second and third times, (the rules being suspended) and passed.

Ordered, That the clerk inform the Senate.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to transmit to the House of Representatives, No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike, with his reasons for withholding his approval of said act.

EXECUTIVE DEPARTMENT, }
January 22d, 1842. }

Gentlemen of the House of Representatives,

The act entitled No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike, which originated in the House of Representatives, is returned, with the objections I entertain against its becoming a law.

The tenth section of the act provides, that all laws and parts of laws requiring a road tax on the lands of residents, in said counties, or coming within the purview of this act, are repealed, so far and so far only, as relates to said counties.

By reference to the act of which it in part repeals, it will be found that no distinction is made in levying a road tax between resident and non-resident lands. This repealing clause, therefore, leaves non-resident lands alone subject to taxation in those counties, for road purposes.

The ordinance of Congress, adopted July 13, 1787, for the government of the territory of the United States north-west of the river Ohio, contains several articles, which are declared articles of compact between the original States and the people and States in said territory, and shall forever remain unalterable, unless by common consent.

The act of Congress of April 19, 1816, providing for the admission of Indiana into the Union, declares that said articles shall be irrevocable, except so much as relates to state boundaries.

By an ordinance passed by the convention which framed the Constitution of Indiana, on the same day on which said Constitution was adopted and signed by the delegates to said convention, and which ordinance was passed in compliance with said last mentioned act of Congress, it was ordained that the propositions of Congress as contained in said act were accepted, and that the provisions of the ordinance adopted by said delegates should remain forever irrevocable and inviolate, without the consent of the United States in Congress assembled.

The preamble to the Constitution of Indiana recites that the people of the territory have the right to admission into the General Government as a member of the Union, consistent with the Constitution of the United States—the ordinance of Congress of one thousand seven

hundred and eighty-seven, and the act of Congress "to enable the people of the Indiana territory to form a State Government," &c.

The 4th article of the said ordinance of 1787 contains among other things a clause that, in no case shall *non-resident* proprietors be taxed higher than *residents*.

As there is no law of Congress granting to Indiana the power of departing from this fundamental rule, I have felt it my duty to withhold my approval of the act herewith returned. The act, even should I approve it, must be held null and void by our courts, and would therefore only subject the officers connected with that branch of the revenue embraced in this act, and the purchasers of tax titles under its provisions, to vexation and loss. The act is respectfully returned with the hope that this feature may be removed by the legislature, so that those interested in the other provisions of the act may derive the full benefit of them. The question occurring in an act of a local character, was very naturally overlooked by the House, and this circumstance of its being local in its nature makes me the more regret the necessity of refusing my assent to its becoming a law.

SAM. BIGGER.

The question then being,

Shall the bill pass, the Governor's objections to the contrary notwithstanding?

The question was then taken by ayes and noes, as required by the Constitution.

Those who voted in the affirmative were,

None.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Chrisman, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, May, McAllister, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Warriner, Williamson, Wines of Allen, Yocum and Mr. Speaker—87.

No. 155, a bill of the Senate, to vacate certain lots in the town of Edinburgh, Johnson county, was read a second and third times and passed, (the rules being suspended.)

Ordered, That the clerk inform the Senate.

No. 185, a bill of the Senate, relocating a part of the old state road lying between the mouth of Bradbury's lane, on Middle Fork, and where it strikes said road, between sections 15 and 16, in Lancaster township, Jefferson county, was read a second time and passed to a third reading.

The following message was received from the Senate by Mr. Maguire, their secretary :

Mr. SPEAKER :

The Senate insists on its amendments to the bill of the House of Representatives No. 208, entitled a bill defining the southern boundary of Miami county and to organize Tipton county.

On motion of Mr. Cogswell,

The House continued to disagree to said amendment of the Senate, and Messrs. Cogswell and Robinson of Carroll were appointed a committee of free conference on the part of the House to take into consideration the said disagreement between the two Houses.

Mr. Norvell, on leave, introduced

No. 367, a bill to regulate the jurisdiction of justices of the peace in Lawrence county and amendatory to other acts therein named ;

Which was read a first time and passed to a second reading.

No. 159, a bill for the relief of Andrew Stipp, was taken from the table ; when

Mr. Garrigus moved that said bill be indefinitely postponed ;

And the ayes and noes being demanded thereon by Messrs. Garrigus and Coon,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Brown of Dearborn, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cotton, Devin, Edwards, Foley, Frink, Garrigus, Goodhue, Graham, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Matheny, May, Meeker, Milliken, Nelson, O'Neill, Peak, Pouison, Proctor, Ranf, Ritchey, Runyon, Saffer, Saunders, Saylor, Shively, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Warriner, Yocum and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Bearss, Bowers, Bradley, Davis of Floyd, Defrees, Ellis, Gilbert, Goodenow, Gorman Grover, Hackleman, Harding, Hendricks, Marsh, McAllister, Montgomery, Norvell, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Shoup, Williamson, Wines of Allen and Wines of Vigo—26.

The Speaker laid before the House a communication from the fund commissioner transmitting a copy of a contract between the State and the Indianapolis Railroad Company ;

Which was laid on the table.

Mr. Hannegan (on leave) offered the following resolution :

Resolved, That after Thursday next, the 27th instant, no new business will be received by this House unless by the consent of three fourths of the members thereof;

Which was adopted.

Mr. Leslie (on leave) introduced the following bill :

No. 368, to provide for the assessor of Harrison county to qualify.

The rules were suspended and the bill read three several times and passed.

Mr. Chapman of Hancock offered the following resolution :

Resolved, That the judiciary committee be discharged from the further consideration of a joint resolution in relation to the repudiation of certain state bonds, and respectfully requested to return the same to the House ;

And upon this question the ayes and noes were demanded by Messrs. Robinson of Carroll and Chapman of Hancock.

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cotton, Davis of Sullivan, Defrees, Devin, Dunbar, Foley, Foulk, Frink, Gilbert, Graham, Harding, Lawrence, Lee, Matheny, May, Meeker, Milliken, Mitchell, O'Neill, Poulson, Quick, Rand, Saunders, Sayler, Snook, Williamson, Wines of Allen and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Bearss, Brown of Dearborn, Coon, Davis of Floyd, Edwards, Ellis, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Hendricks, Hoobler, Hutton, Leslie, Lingle, Marsh, Marshall, Montgomery, Murray, Nelson, Norvell, Peak, Proctor, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Shively, Shoup, Simonson, Sinks, Snoddy, Stratton, Thompson, Tisdale, Warriner, Wines of Vigo and Yocum—45.

Mr. Robinson of Rush made the following report :

MR. SPEAKER :

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following entitled bill of the House of Representatives, to-wit :

No. 146, an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike.

No. 233, a bill to amend the several acts prescribing the mode of doing county business, and authorising the election of constables, was

taken from the table and referred to a select committee of Messrs. Montgomery, Goodhue and Chapman of Hancock.

On motion,

The House adjourned till Monday morning 9 o'clock.

MONDAY MORNING, JAN. 24, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed an engrossed bill of the House of Representatives, entitled as follows :

No. 177, an act to repeal an act converting the sinking, saline, college, surplus revenue and State Bank funds into bank stock,

With several amendments, in which the concurrence of the House of Representatives is requested.

Mr. Gorman moved a call of the House.

On motion,

The further call was suspended.

Mr. Defrees moved to concur in the first amendment of the Senate with an amendment—"insert 15th of June instead of 1st of March ;"

Which was adopted.

Mr. Montgomery moved to insert in the proper place the following :

"*Provided, however*, That nothing herein contained shall be so construed as in any way to effect the issue of small notes, heretofore authorised by law ;"

Which amendment was not adopted.

Mr. Brown of Marion moved to insert after the word "of" in line, the word "such"—and after the word "fund," the words, "as have been received by the Bank, and which the Bank does not refund ;"

Which was adopted.

On the question will the House concur in the first amendment of the Senate ?

The ayes and noes being demanded thereon by Messrs. Hannegan and Sayler,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Marion, Butler, Clements, Coon, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Harding, Hoobler, Howard, Hutton, Lee, Leslie, Marshall, May, Meeker, Milliken, Mitchell, Montgomery, Murray, Nelson, Norvell, Ogden, Poulson, Proctor, Quick, Rand, Rannels, Rawlings, Reed, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Snook, Thompson of Fayette, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—60.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Cooley, Davis of Sullivan, Dunbar, Garrigus, Graham, Hendricks, Lawrence, Lingle, Marsh, Matheny, McAllister, Monroe, Myers, O'Neill, Peak, Ritchey, Robinson of Carroll, Sayler, Shively, Shoup, Simonson, Snoddy, Thompson of Noble, Warriner, Yocum and Mr. Speaker—32.

The 2d, 3d and 4th amendments of the Senate to said bill were disagreed to by the House.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Robinson of R.,

Messrs. Brown of M. and Norvell were added to the committee on enrolled bills.

Mr. Robinson of R. made the following report:

MR. SPEAKER :

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 242—a joint resolution authorizing the board of internal improvement to settle the claims of the residue of the contractors on the southern division of the Central canal.

Message from the Governor by his private secretary, Mr. Kiersted.

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives, that on the 22d inst. he approved and signed the following acts:

No. 149—an act to exempt probate judges from arrest;

No. 59—an act for the relief of members of the fire company number one, in the town of Fort Wayne;

No. 126—an act to incorporate the White river manufacturing company in Daviess and Knox counties;

No. 181—an act concerning petit jurors in certain counties therein named;

No. 185—an act providing for classing and selecting the lands not yet offered for sale, belonging to the Wabash and Erie canal, east of the Tippecanoe river;

No. 166—an act to amend an act entitled “an act amendatory to the charter of Michigan City,” approved February 15, 1841; also,

No. 237—a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the state prison;

All of which originated in the House of Representatives.

The following message was received from the Senate by Mr. Bright a member:

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has passed a bill of the House of Representatives entitled,

No. 223—an act to provide for the construction of all or any part of the public works of this state by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer,

With several amendments, in which I am directed to ask the concurrence of the House of Representatives.

The 1st, 2d and 3d amendments were agreed to.

Mr. Brown of D., moved to strike out of the 4th amendment, the word “fifty” and insert “thirty”—the duration of the charter;

Which was adopted.

Mr. Robinson of C., moved to strike out of the Senate's 3d amendment, the words “first of April” and insert “first of June;”

Which was not adopted.

Mr. Brown of Marion, moved that the bill and amendments be laid upon the table;

Which was decided in the affirmative.

Mr. Matheny moved to reconsider the last mentioned vote;

Which motion prevailed.

Mr. Simonson then moved to reconsider the vote, by which the word “fifty” was stricken out, and the word “thirty” inserted;

And the ayes and noes being demanded thereon, by Messrs. Chapman of H., and Robinson of C.,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Powers, Bradley, Brown, Butler, Chrisman, Clark, Clements, Cooley, Cooper, Davis of Floyd, Devin, Ellis, Frink, Gilbert, Goodenow, Goodhue, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, May, McAllister, Meeker, Murray, Ogden, Peak, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saunders, Shively, Shoup, Simonson,

Sinks, Stratton, Thompson of Fayette, Townsend, Williamson and Wines of Vigo—55.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Coon, Cotton, Davis of Sullivan, Dunbar, Edwards, Foley, Foulke, Garrigus, Gorman, Leslie, Lingle, Milliken, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Poulson, Proctor, Rannells, Robinson of Carroll, Saffer, Sayler, Snoddy, Snook, Thompson of Noble, Tisdale, Warriner, Wines of Allen, Yocum and Mr. Speaker—38.

The question recurring on striking out "fifty" and inserting "thirty,"

And the ayes and noes being demanded thereon, by Messrs. Robinson of C., and Chapman of H.,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Bowers, Bradley, Brown of Dearborn, Chapman of Laporte, Coon, Cooper, Cotton, Davis of Floyd, Edwards, Ellis, Foulke, Goodenow, Hannegan, Hodges, Hoobler, Howard, Leslie, Lingle, Marshall, May, Meeker, Milliken, Mitchell, Monroe, Murray, Norvell, O'Neill, Poulson, Rannells, Reed, Robinson of Carroll, Runyon, Sayler, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Williamson, and Wines of Vigo—44.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cooley, Davis of Sullivan, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Hendricks, Hutton, Lawrence, Lee, Matheny, McAllister, Montgomery, Myers, Nelson, Peak, Proctor, Quick, Rand, Ritchey, Robinson of Rush, Rooker, Saffer, Saunders, Shively, Shoup, Thompson of Fayette, Townsend, Wines of Allen, Yocum and Mr. Speaker—46.

Mr. Foley moved to strike out "thirty" and insert "fifty";

Which motion did not prevail.

The fourth amendment was then agreed to.

Mr. Marshall moved to amend the fifth amendment of the Senate, by adding the following:

"And the amount paid by the association for state bonds, without interest;"

Which amendment was adopted.

Mr. Brown of Dearborn, then moved to amend the fifth amendment, by adding the following:

"At the end of fifty years shall revert to the State unconditionally;"

Which was not adopted.

The question recurring on the adoption of the fifth amendment, as amended;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Marion, Butler, Chrisman, Clark, Clements, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Edwards, Ellis, Foley, Foulke, Frink, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lee, Leslie, Marsh, Marshall, Matheny, May, McAllister, Meeker, Monroe, Murray, Nelson, Norvell, Ogden, Peak, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Shoup, Simonson, Sinks, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson, and Wines of Vigo—70.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Chapman of Hancock, Dunbar, Garrigus, Lingle, Milliken, Mitchell, Montgomery, Myers, Poulson, Robinson of Carroll, Runyon, Sayler, Snoddy, Thompson of Noble, Wines of Allen, Yocum and Mr. Speaker—18.

The 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, and 23d amendments of the Senate were concurred in.

Mr. Shoup moved to amend the 24th amendment of the Senate, by adding the following proviso:

"*Provided however,* should a company fail to be organized, under the provisions of an act to incorporate the White Water valley canal company, and commence operations on said work, with a view to complete the same, within twelve months from and after the passage of this act, then it shall be lawful for any company to organize and prosecute said work, according to the provisions of this act;"

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Marion, Cooley, Davis of Floyd, Davis of Sullivan, Garrigus, Gorman, Graham, Grover, Hackleman, Hendricks, Hoobler, Hutton, Lawrence, Lingle, May, Milliken, Mitchell, Monroe, Murray, Nelson, Peak, Poulson, Proctor, Rand, Rawlings, Robinson of Carroll, Robinson of Rush, Saffer, Shively, Shoup, Simonson, Snoddy, Snook, Wines of Allen, Yocum and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Butler, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Coon, Cooper, Cotton, Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Foulke, Frink, Gilbert, Goodenow, Goodhue, Hannegan, Harding, Hodges, Howard, Lee, Leslie, Marsh, Marshall, McAllister, Meeker, Montgomery, Ogden, Rannells, Reed, Ritchey, Rooker, Runyon, Saunders, Sayler, Sinks, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Williamson, and Wines of Vigo—51.

Mr. Hackleman moved to amend, by adding the following:

"*Provided*, That should said White Water canal not be finished, or prosecuted under the charter passed for that purpose, during the present session of the Legislature, for the space of eighteen months, then and in that case, a company may be formed under the provisions of this bill to complete the same;"

Which was not adopted.

Mr. Hendricks moved to amend the 24th amendment, by adding the following:

"That the provisions of this bill shall be made to extend to the organization of a company, with similar powers, for the purpose of erecting a lateral branch from Shelbyville, the county seat of Shelby county, to some point of intersection with the Madison and Indianapolis railroad;"

Which amendment was adopted.

Mr. Bradley moved to amend the 24th amendment, by adding the following:

"That the provisions of this bill shall extend to any company that may be organized, for the purpose of making a railroad from Michigan City to Laporte, or further eastward than Laporte;"

Which amendment was not adopted.

Mr. Gilbert moved to amend, by adding the following:

"The provisions of this act to extend to the Muncietown and Fort Wayne railroad company;"

Which was not adopted.

Mr. Gorman moved to amend, by adding the following:

"Also, that the same privileges granted in this bill, shall be granted to a company to construct a McAdamized road from Bloomington to the nearest point on the Madison road or to Edinburgh;"

Which amendment was not adopted.

Mr. Leslie moved to amend, excepting from the provisions of the bill,

"The Indianapolis and Madison railroad, and Vincennes and New Albany McAdamized road;"

Which was not adopted.

Mr. Mitchell moved to amend, by adding the following:

"Similar provisions to extend to the company to construct rail-

roads throughout the State, in any direction where they may deem the same expedient;"

Which amendment was not adopted.

Mr. Wines of A. moved to amend, by adding the following:

"The Muncietown and Fort Wayne railroad company may issue scrip based upon lands valued according to the provisions of this bill;"

Which amendment was not adopted.

Mr. Hannegan moved the previous question;

Which being seconded, was taken, to-wit:

Shall the main question be now put?

And decided in the affirmative.

The question being on concurring in the twenty-fourth amendment as amended.

And the ayes and noes being demanded thereon, by Messrs. Wines of A. and Hannegan,

Those who voted in the affirmative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of D., Brown of M., Butler, Chapman of L., Chrisman, Clark, Clements, Cooper, Cotton, Davis of F., Devin, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAlister, Meeker, Montgomery, Murray, Nelson, Ogden, Peak, Proctor, Quick, Rannells, Rawlings, Reed, Ritchey, Rooker, Saunders, Shively, Simonson, Sinks, Snook, Stratton, Thompson of F., Tisdale, Williamson, Warriner, and Wines of V.—62.

Those who voted in the negative were,

Messrs. Chapman of H., Cooley, Coon, Davis of S., Dunbar, Garrigus, Graham, Hackleman, Leslie, Lingle, Milliken, Mitchell, Monroe, Myres, O'Neill, Poulson, Robinson of C., Robinson of Rush, Runyon, Saffer, Sayler, Shoup, Snoddy, Thompson of N. and L., Wines of A., Yocum, and Mr. Speaker—27.

Mr. Robinson of C. moved to amend the 25th amendment, by striking out the words "two-thirds" and inserting "a majority," the number necessary to repeal, amend, or alter said charter.

And the ayes and noes being demanded thereon, by Messrs. Garrigus and Robinson of C.,

Those who voted in the affirmative were,

Messrs. Barnett of L., Brown of D., Chapman of H., Chapman of Laporte, Cooley, Coon, Cotton, Davis of Sullivan, Dunbar, Edwards, Garrigus, Graham, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, May, Meeker, Mitchell, Monroe, Montgomery, Myres, Nelson,

O'Neill, Peak, Poulson, Proctor, Rand, Robinson of Carroll, Runyon, Saffer, Sayler, Simonson, Snoddy, Snook, Thompson of N. and L., Wines of A., Yocum, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bowers, Bradley, Brown of Marion, Butler, Chrisman, Clark, Clements, Cooper, Davis of F., Devin, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Lee, Marsh, Marshall, Matheny, McAlister, Millikin, Murray, Norvell, Ogden, Quick, Rannels, Rawlings, Reed, Ritchey, Robinson of R., Rooker, Saunders, Shively, Sinks, Stratton, Thompson of F., Tisdale, Williamson, and Wines of Vigo—48.

Mr. Marshall moved to amend, by adding to the 25th amendment the following proviso:

"*Provided*, That no act altering, amending, or repealing this act, shall take effect, until the State shall pay said association the amount which such association has expended, in the construction of said work, and in the purchase of State bonds, with ten per cent. interest thereon."

Mr. Edwards moved to amend said amendment, by striking out "six," and inserting "ten;"

Which was adopted.

The amendment as amended, was then adopted.

Mr. Wines of A. moved further to amend, by adding the following proviso:

"*Provided*, That the provisions of this act shall be extended, in all its benefits and blessings, to the company incorporated to construct the Muncietown and Fort Wayne railroad."

Mr. Wines of Vigo moved the previous question;

But before any decision was had thereon,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment;
And resumed the consideration of the question pending, at the last adjournment.

The previous question being seconded, was put, to-wit:

Shall the main question be now put?

It was decided in the affirmative.

The main question, to-wit:

Will the House concur in the 25th amendment, as amended?
And the ayes and noes being demanded thereon, by Messrs. Edwards and Robinson of Carroll,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Brown of Marion, Clark, Cooley, Cooper, Davis of Floyd, Devin, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Lawrence, Lee, Marsh, Marshall, Matheny, McAllister, Meeker, Monroe, Murray, Nelson, Peak, Quick, Rannels, Rawlings, Reed, Robinson of Rush, Rooker, Shively, Simonson, Sinks, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson and Wines of Vigo—47.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Coon, Cotton, Davis of Sullivan, Dunbar, Edwards, Garrigus, Hoobler, Howard, Hutton, Leslie, Lingle, Mitchell, Montgomery, Myers, Norvell, O'Neill, Poulson, Proctor, Rand, Robinson of Carroll, Runyon, Sayler, Snoddy, Thompson of Noble, Wines of Allen, Yocum and Mr. Speaker—29.

Mr. Marshall moved to amend the 26th amendment, by adding the following:

"*Provided*, The said board shall not fix the tolls and water rents at a less rate than tolls and water rents on works similarly situated in other States;"

Which was adopted.

The 27th amendment being under consideration,

Mr. Hodges moved the previous question;

Which being seconded, was put, to-wit:

Shall the main question be now put?

And decided in the affirmative.

The main question being on concurring in the 27th and last amendment of the Senate;

And the ayes and noes being demanded by Messrs. Garrigus and Chapman of Hancock,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Marion, Chrisman, Clark, Clements, Cooley, Cooper, Davis of Floyd, Devin, Ellis, Foley, Foulk, Frink, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hodges, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAllister, Meeker, Murray, Nelson, Norvell, Peak, Quick, Rannels, Rawlings, Reed, Robinson of Rush, Rooker, Shively, Sinks, Stratton, Thompson of Fayette, Tisdale, Townsend, Williamson and Wines of Vigo—52.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Coon, Cotton, Davis of Sullivan, Dunbar, Edwards, Garrigus, Graham, Hoobler, Howard, Leslie, Lingle, May, Milliken, Mitchell, Monroe, Montgomery, Myers, O'Neill, Poulson, Proctor, Rand, Ritchey, Robinson of Carroll, Runyon, Sayler, Simonson, Snoddy, Snook, Thompson of Noble, Wines of Allen, Yocum and Mr. Speaker—35.

A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed engrossed bills thereof entitled as follows, viz :

No. 186, an act to legalise the acts of the president and trustees of Greencastle ;

No. 219, an act to amend an act entitled "an act to provide for the improvement of the Michigan road," approved February 13, 1841 ;

No. 220, an act regulating the jurisdiction of justices of the peace in the county of Jay ;

In which the concurrence of the House of Representatives is respectfully requested.

Said bills were read three several times—the rules being suspended—and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Harris, a member :

MR. SPEAKER :

I have been directed by the Senate to inform the House of Representatives that the Senate insist on their 1st, 2d, 3d, 4th and 9th amendments of the Senate to bill of the House No. 44, an act for the relief of the borrowers of the surplus revenue and other funds ; and have disagreed to the several amendments of the House to the 5th, 6th and 8th amendments of the Senate to said bill.

The House refused to recede from its disagreement to said amendments.

Ordered, that the clerk inform the Senate thereof.

The engrossed bill of the Senate, to amend an act entitled "an act prescribing the duties of county auditors," approved February 12, 1841, was read a first and second times—the rules being suspended—and ordered to a third reading.

A message from the Senate by Mr. Maguire, their secretary.

MR. SPEAKER :

The Senate has appointed Messrs. Chamberlain and West a committee of free conference on the part of the Senate to act with a sim-

ilar committee on the part of the House of Representatives to take into consideration the disagreement between the two Houses in relation to the bill No. 11, of the House of Representatives, authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation.

The Senate has also disagreed to the amendments made by the House of Representatives to bill No. 31, of the Senate, entitled a bill applying certain funds to purposes of education.

On motion,

The House refused to recede from said amendments.

Ordered, that the clerk inform the Senate thereof.

Mr. Montgomery, on leave granted, introduced

No. 369, a bill to amend "an act to revise and amend an act incorporating congressional townships and providing for public schools therein ;"

Which was read three several times, (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate.

Mr. Davis of Floyd, on leave, introduced a joint resolution on the subject of improving the navigation of the western rivers ;

Which was read first and second times, (the rules being suspended) when

Mr. Matheny moved to insert White river ;

Which was not adopted.

Mr. Wines of Vigo moved to extend the provisions of said resolution to the Great Wabash river ;

Which amendment was not adopted.

The joint resolution was then read a third time and passed.

Mr. Hoobler moved to reconsider the vote on the adoption of a resolution offered on Saturday by Mr. Chapman of Hancock, relative to a joint resolution in relation to the repudiation of state bonds ;

And the ayes and noes being demanded thereon, by Messrs. Chapman of Hancock and Hoobler,

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Clark, Clements, Cooley, Coon, Davis of Sullivan, Devin, Dunbar, Garrigus, Goodenow, Hackleman, Hendricks, Hoobler, Lawrence, Marsh, Matheny, Milliken, Monroe, Montgomery, Myers, Nelson, Ogden, O'Neill, Rand, Sayler, Snook, Thompson of Noble and Yocum—31.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Chrisman, Cooper, Davis of Floyd, Edwards, Ellis, Foley, Foulk, Frink, Gilbert, Goodhue, Gorman, Grover, Hannegan, Harding, Henley,

Hodges, Howard, Hutton, Lee, Leslie, Lingle, Marshall, May, McAllister, Meeker, Mitchell, Murray, Norvell, Poulson, Proctor, Quick, Rannels, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Shively, Shoup, Simonson, Sinks, Snoddy, Thompson of Fayette, Tisdale, Townsend, Warriner, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—58.

Mr. Clark moved to take from the table No. 227 of the House, a bill to provide for the preservation of the southern end of the southern division of the Central canal;

Which motion prevailed.

Mr. Graham moved to amend said bill, by adding an additional section;

Which amendment was adopted, by general consent.

The bill then passed.

Mr. Hannegan moved to take from the table No. 173, a joint resolution in relation to bank directors;

Which motion was decided in the affirmative.

The joint resolution was then read a third time and passed.

Mr. Chapman of Laporte moved to take from the table No. 241, a bill to subject equitable interests in real property and choses in action to the payment of debts;

Which motion prevailed.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Gorman,

No. 303, a bill supplemental to an act subjecting real and personal property to execution, approved January 8, 1842, was again taken under consideration, the pending question being on rejecting the bill;

And the ayes and noes being demanded thereon by Messrs. Gorman and Mitchell,

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of Dearborn, Chapman of Laporte, Coon, Davis of Floyd, Devin, Ellis, Foulk, Goodenow, Hodges, Hoobler, Howard, Leslie, Marsh, May, Meeker, Mitchell, Monroe, Rannels, Rawlings, Runyon, Sayler, Simonson, Sinks, Snoddy, Stratton, Thompson of Noble, Williamson and Wines of Vigo—30.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cooley, Cooper, Cotton, Dunbar, Edwards, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Hutton, Lawrence, Lee, Lingle, McAllister, Montgomery, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Shively, Shoup, Snook, Thompson of

Fayette, Tisdale, Townsend, Warriner, Wines of Allen, Yocum and Mr. Speaker—58.

Said bill was then read a second time; when

Mr. Gorman moved to amend as follows:

"Strike out the last year's stay, where gold and silver is demanded."

And the ayes and noes being demanded thereon, by Messrs. Foley and Ritchey,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Brown of Marion, Butler, Chrisman, Clark, Clements, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Devin, Edwards, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Hendricks, Howard, Hutton, Lawrence, Leslie, Lingle, Marshall, Matheny, May, M'Allister, Montgomery, Myers, Norvell, O'Neill, Peak, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Snoddy, Thompson of Fayette, Townsend, Wines of Allen and Yocum—59.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Chapman of Hancock, Chapman of Laporte, Dunbar, Ellis, Foulk, Goodenow, Hannegan, Hodges, Hoobler, Lee, Marsh, Meeker, Milliken, Mitchell, Monroe, Murray, Poulson, Proctor, Rannels, Robinson of Carroll, Sinks, Snook, Stratton, Thompson of Noble, Tisdale, Williamson, Wines of Vigo and Mr. Speaker—31.

Mr. Goodhue moved to amend, by adding the following:

"Provided, That any person, embracing the provisions of this act, shall not be entitled to the provisions of an act entitled, 'an act supplemental to an act subjecting real and personal property to execution, approved Jan. 8, 1842.'"

Mr. Bearss moved that the bill and amendments be laid upon the table.

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of L., Brown of D., Chapman of H., Chapman of L., Coon, Cotton, Davis of S., Dunbar, Edwards, Foley, Foulk, Garrigus, Gorman, Hendricks, Hoobler, Howard, Lawrence, Leslie, Lingle, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Poulson, Proctor, Rand, Robinson of C., Runyon, Saffer, Sayler, Snoddy, Snook, Thompson of N. and L., Tisdale, Warriner, Wines of A., Yocum, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Barnett of M., Bearss, Bowers, Brown of Marion, Butler,

Chrisman, Clark, Clements, Cooley, Cooper, Davis of F., Defrees, Devin, Ellis, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hannegan, Harding, Hodges, Hutton, Lee, Marsh, Marshall, Matheny, McAlister, Murray, Ogden, Peak, Quick, Rannells, Rawlings, Reed, Ritchey, Robinson of Rush, Rooker, Saunders, Shively, Simonson, Sinks, Townsend, Thompson of F., Williamson, and Wines of V.—47.

Mr. Shoup moved that the bill and amendment be referred to a select committee;

Which motion was decided in the affirmative.

Messrs. Shoup, Gorman, Thompson of F., Chapman of L., and Davis of F., were appointed said committee.

ORDERS OF THE DAY.

No. 366—a bill to provide for the distribution of the road laws;

Was read a third time and passed.

No. 367—a bill to regulate the jurisdiction of justices of the peace in Lawrence county, and an act amendatory to other acts therein named;

Was read a second, and third times, and passed, (the rules being suspended).

Ordered, That the clerk inform the Senate thereof.

No. 215—a bill relative to the county of Benton;

Was read a second time, and

On motion of Mr. Saylor,

Laid on the table.

Mr. Leslie moved to discharge the select committee from the further consideration of a bill to repeal part of the act, entitled "an act to locate a State road in the counties of Crawford and Harrison;

Which motion was decided in the affirmative.

Mr. Edwards moved to re-consider the last-mentioned vote; which motion prevailed; and

The question recurring on discharging the committee, it was decided in the negative.

No. 50—a bill to prevent usury, was taken up.

The question being on its passage;

The ayes and noes being demanded thereon by Messrs. Chapman of H., and Brown of M.,

Those who voted in the affirmative were,

Messrs. Bearss, Bradley, Brown of Marion, Butler, Chapman of H., Chrisman, Clark, Clements, Cooley, Davis of S., Devin, Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Gorman, Grover, Harding, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lee, Matheny, McAlister, Milliken, Monroe, Nelson, O'Neill, Peak, Proctor, Ritchey, Robinson of R., Robinson of C., Rooker, Runyon, Saffer, Shoup, Thompson of F., Townsend, Warriner, and Wines of A.—45.

Those who voted in the negative were,

Messrs. Barnett of M., Bowers, Brown of D., Chapman of L., Coon, Cooper, Cotton Edwards, Goodenow, Graham, Hannegan, Hodges, Howard, Leslie, May, Meeker, Montgomery, Murray, Novell, Poulson, Quick, Rand, Rannells, Rawlings, Reed, Saylor, Saunders, Shively, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of N. and L., Tisdale, Williamson, Wines of V. and Yocum—37.

Mr. Robinson of R. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills and joint resolutions of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 75—an act to amend an act, entitled, an act authorising aliens and foreigners to hold real estate within the State of Indiana, approved Jan. 14, 1818;

No. 204—an act to vacate a part of a certain State road therein named, and to declare a certain portion of a county road a State road;

No. 198—a joint resolution relative to the harbor of St. Joseph, at Lake Michigan;

No. 152—an act for the relief of Huntington county;

No. 292—an act for the relief of the owners of certain lots in the town of Bloomington;

No. 327—a joint resolution in relation to the construction of a harbor at Michigan City;

No. 271—an act to amend an act, entitled, an act to amend an act entitled an act, dividing the State into judicial circuits, and fixing the times for holding courts therein, and for other purposes, approved Feb. 10th, 1831, approved Jan. 28th, 1839;

No. 183—an act to remove the disability of Mary Ann Bruner;

No. 196—an act to authorise the president judge of the third judicial circuit to hold an extra term in the county of Dearborn;

No. 291—an act to authorise the furnishing of hydrant water to the town of Attica;

No. 207—an act to incorporate the Delphi storage and forwarding company;

Mr. Robinson of C. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they did, on this day, present to his excellency the Governor, for his approval and signature, the following entitled bills and joint resolutions of the House of Representatives and Senate, to-wit:

No. 63—a joint resolution appointing an agent to examine the State and condition of the State Bank, and each and every Branch thereof;

No. 59—an act for the relief of the members of the fire company No. 1, in the town of Fort Wayne;

No. 123—an act giving further time to assessors;

No. 105—an act to amend an act, entitled, an act for the preservation of sheep, approved Jan. 25, 1841;

No. 100—an act for the relief of John W. Hitt and others;

No. 99—an act to fix the fees of sheriffs, in certain cases;

No. 23—an act to amend an act, entitled, an act concerning ejectments, and for the relief of occupying claimants of land, approved Jan. 13, 1831;

No. 166—an act to amend an act, entitled, an act amendatory to the charter of Michigan City, approved Feb. 15, 1841;

No. 149—an act to exempt probate judges from arrest;

No. 126—an act to incorporate the White river manufacturing company, in Daviess and Knox;

No. 45—an act for the further relief of purchasers of the seminary lands, in the counties of Gibson and Monroe;

No. 237—a joint resolution for the relief of Samuel H. Patterson and Benjamin Hensley, late superintendents of the State prison;

No. 85—an act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal, east of the Tippecanoe river;

No. 181—an act concerning petit jurors in certain counties therein named.

The following message was received from the Senate, by Mr. Chamberlain, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the report of the joint committee of free conference, appointed for the purpose of taking into consideration the subject matter of a joint resolution, No. 2, of the Senate, on the subject of a resumption of specie payments, and for other purposes.

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find them correctly enrolled:

No. 300—an act to amend an act to incorporate the town of Terre Haute, approved Feb. 17, 1838;

No. 203—an act to vacate the town of Richardville, in Huntington county;

No. 184—an act to authorise John Calahan to build a bridge across the mouth of Tanner's creek, in Dearborn county;

No. 115—an act prescribing the duties of quarter master general, and fixing his rank and compensation;

No. 94—an act incorporating the Wayne, Union, and Randolph turnpike company, and the Union and Wayne turnpike company.

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled, to-wit:

No. 78—an act to amend an act, entitled, an act to incorporate the Indiana mutual fire insurance company, approved Jan. 30, 1837;

No. 179—an act supplemental to an act, entitled, an act authorising the appointment of constables and defining their duties, approved Feb. 17, 1838;

No. 172—a joint resolution in relation to pensioning the surviving officers and soldiers who served in Wayne's campaign;

No. 165—an act providing for the sale of certain school lands in Fayette county;

No. 136—an act to provide for the election of a commissioner on the Wabash and Erie canal, west of Tippecanoe river;

No. 178—an act to change the time of holding courts in Jay county;

No. 58—an act to amend an act, entitled, an act to revive and amend an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 17, 1838, approved Feb. 15, 1841;

No. 30—an act to compel speculators to pay a road tax, equal to that paid by actual settlers

No. 70—an act authorising the State treasurer to collect and pay over to the counties of Dekalb, Wells, and Lake, that portion of the surplus revenue to which the same are entitled.

On motion, the House adjourned till to-morrow morning, 9 o'clock,

TUESDAY MORNING, JAN. 25, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Marsh, on leave introduced

No. 371—a bill to to compel speculators to pay a road tax, equal

to that paid by actual settlers, in certain cases therein named ; which was read three several times (the rules being suspended) and passed.
A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill entitled as follows, viz :

No. 230—an act to change the name of Mary Smith to that of Mary Smith Chamberlain ;

In which the concurrence of the House is respectfully requested.

Said bill was read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Henly presented the memorial of N. B. Palmer, in relation to services rendered whilst treasurer of State to the Lawrenceburgh and Indianapolis railroad company ;

Which was referred to a select committee of Messrs. Henley, Brown of M., and Robinson of R.

The Speaker laid before the House a communication from the President of the State Bank, in answer to a resolution of the House, on the subject of the indebtedness of the cashier of the Michigan city Branch, &c. ; which was laid upon the table.

A message from the Senate, by Mr. Maguire their secretary :

MR. SPEAKER :

The Senate has concurred in the amendment made by the House of Representatives to the bill of the Senate, No 111, entitled an act for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties.

The Senate has passed an engrossed bill of the House of Representatives, entitled,

No. 45—an act to provide for the collection of the State and county revenue of Vanderburgh county, for the year 1841 ;

With amendments, in which the concurrence of the House is respectfully requested.

The Senate has concurred in the report of the joint committee of free conference appointed by the two Houses to take into consideration the disagreement between them relative to a joint resolution on the subject of resumption of specie payments, which originated in the Senate.

The Senate has concurred in the various amendments made by the House of Representatives to the 5th, 24th, 25th, and 26th amendments of the Senate to the engrossed bill of the House of Representatives, entitled,

No 223—an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer.

The Senate has passed engrossed bills of the House of Representatives entitled as follows, each with amendments, viz :

No. 195—an act fixing the times of holding courts in the fourth judicial circuit.

No. 257—an act to confine voters within their respective townships in certain counties therein named ;

In which amendments the concurrence of the House of Representatives is respectfully requested.

Also, the following engrossed bills of the House of Representatives without amendments, viz :

No. 226—an act declaring Patoka a public highway and for other purposes ;

No. 266—an act to provide for the selecting petit jurors in Laporte county ;

No 302—an act to vacate Duret street in the Godfroy addition to the town of Peru.

The Senate has also passed engrossed bills thereof, entitled as follows, viz :

No. 161—an act fixing the time of holding courts in the seventh judicial circuit and for other purposes ;

No. 181—an act to incorporate the Franklin turnpike company ;

No. 182—an act to legalize the election of trustees of the town of Vevay, Indiana ;

No. 183—an act to provide for the sale of certain lands returned to school commissioners for the non-payment of taxes thereon ;

No. 187—an act declaring a certain word a misprint, and for other purposes relative to the county of Orange ;

No. 189—an act for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased ;

No. 191—a bill to legalize the acts and proceedings of the board doing county business in the county of Tippecanoe, and for other purposes ;

No. 192—an act to vacate a certain State road in the county of St. Joseph ;

No. 193—an act for the relief of Elizabeth Ann McConnehay alias Elizabeth Ann Holmes ;

No. 199—an act for the creation of a certain State road therein named ;

No. 202—an act to authorize the board of trustees of the county seminary of Tippecanoe county to sell and convey certain real estate therein named ;

No. 205—an act amendatory of the act relative to crimes and punishments ;

No. 206—an act further to amend an act entitled an act for the prevention of frauds and perjuries, approved January 24, 1831 ;

No. 232—an act to provide for opening and repairing roads and highways in the counties of Gibson and Pike ;

No. 234—an act to provide for the survey of the town of Perrysville in Vermillion county ;

In which several bills the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills of the House Nos. 45, 195 and 257 were concurred in.

Bills of the Senate, mentioned in said message, numbered 181, 182, 187, 192, 193, 102 and 234 were severally read a first, second and third times and passed, (the rules being suspended).

No. 161, of the Senate, was read a first and second times and laid upon the table.

Nos. 183, 189, 191, 199 and 232, mentioned in the message, were severally read a first time and passed to a second reading.

Bill No. 205, mentioned in the message, was read a first time ; when

Mr. Norvell moved that said bill be rejected ;

Which motion was decided in the negative.

The bill was then read a second time and referred to the committee on the judiciary.

No. 206, mentioned in the message, was read a first and second times ; when

Mr. Chapman of Laporte moved to amend by inserting the word "official" before the word "seal ;"

Which was adopted.

The bill was then read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Baird, a member :

MR. SPEAKER :

I am instructed to inform the House of Representatives that the Senate has passed an engrossed bill thereof entitled "a bill to provide for increasing the stock of the private stockholders in the South Bend Branch of the State Bank." In which I am requested respectfully to ask the concurrence of the House of Representatives.

The said bill, No. 197, mentioned in the message, was read a first and second times and referred to the committee on the State Bank.

PETITIONS WERE PRESENTED,

By Mr. Chrisman, the remonstrance on the subject of the jurisdiction of justices of the peace ;

Which was referred to the judiciary committee.

By Mr. Brown of Marion, of Nathaniel Cox, Julius Nicolai and others, on the subject of the corporation of Indianapolis ;

Which was referred to a select committee of Messrs. Brown of Marion and Harding.

By Mr. Reed, for a two years' stay law ;

Which was referred to a select committee of Messrs. Reed and Cooper.

By Mr. Mitchell, of citizens of Elkhart county, praying for aid in

improving the navigation of the river St. Joseph, in the counties of Elkhart and St. Joseph, by the application of State taxes in those counties ;

Which was referred to a select committee of Messrs. Mitchell, Wines of Allen and Defrees.

Mr. Brown of Marion presened a communication from James B. Ray, Esq., Ex-Governor of Indiana, on the subject of internal improvements ;

Which was read and laid upon the table.

Mr. Speaker Davis (Mr. Graham being in the chair) moved to take from the table, bill of the Senate, No. 161, fixing the time of holding courts in the seventh judicial circuit and for other purposes ;

Which motion was decided in the affirmative.

Mr. Speaker Davis then moved to strike out the first and second sections of said bill ; which altered the time of holding courts in the seventh circuit ;

Which motion was decided in the affirmative.

He also moved to strike out the word "such," in the second line of the 5th section and insert, "regular term of the courts in said seventh circuit ;"

Which motion prevailed.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate insist on their amendments to bill of the House of Representatives entitled,

No. 44, an act for the relief of the borrowers of the surplus revenue and other funds ;

And have appointed Messrs. Watts and Parker a committee of free conference on the part of the Senate to act with a similar committee which they request may be appointed on the part of the House of Representatives to take into consideration the subject matter of disagreement between the two Houses in relation to said bill.

The Senate has concurred in the amendment of the House of Representatives to the first amendment of the Senate to bill of the House of Representatives entitled,

No. 177, an act to repeal an act converting the sinking, saline, college, surplus revenue and State Bank funds into bank stock.

On motion of Mr. Hannegan,

The House insisted on its disagreement to the amendment of the Senate to bill No. 44, mentioned in said message ; whereupon

Messrs. Hannegan and Chapman of Laporte were appointed a committee of free conference on the part of the House.

Mr. Thompson of Fayette made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a bill entitled an act repealing so much of the revenue laws, approved Feb. 12, 1841, as relates to the travelling fees of county treasurers, have had that subject under consideration, and have instructed me to report that, in the opinion of your committee, it is inexpedient to legislate on that matter, and ask to be discharged from the further consideration of the same; and recommend that the bill be indefinitely postponed.

Said bill, No. 81, was indefinitely postponed.

Mr. Wines of Vigo made the following report :

MR. SPEAKER :

The committee of ways and means, to whom bill No. 308 was referred, to repeal an act for the relief of Andrew Wilson, approved February 15, 1841, and for other purposes, have had the same under consideration, and directed me to report the same back with one amendment and recommend its passage.

Said bill was read a third time and passed.

Mr. Edwards moved to reconsider the vote on the passage of said bill ;

Which motion prevailed.

Mr. Garrigus moved that said bill be indefinitely postponed ;

And the ayes and noes being demanded thereon by Messrs. Thompson of Noble and Sayler,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Brown of D., Chapman of Hancock, Clements, Cooley, Cooper, Cotton, Davis of Sullivan, Devin, Edwards, Foley, Foulk, Frink, Garrigus, Goodhue, Gorman, Graham, Hackleman, Hannegan, Hodges, Hoobler, Howard, Hutton, Lee, Leslie, Lingle, May, Meeker, Milliken, Monroe, Montgomery, Nelson, Norvell, Ogden, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Robinson of Rush, Saffer, Saunders, Shively, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of F., Thompson of N., Tisdale, Townsend, Williamson, Wines of Allen, Yocum and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Cogswell, Coon, Davis of Floyd, Ellis, Gilbert, Goodenow, Grover, Harding, Hendricks, Henley, Lawrence, Marsh, Marshall, McAllister, Murray, Myers, Ritchey, Robinson of Carroll, Rooker, Runyon, Sayler, Shoup, Warriner and Wines of Vigo—31.

Mr. Wines of Vigo, from the same committee, made the following report :

MR. SPEAKER :

The committee of ways and means, to whom bill No. 309 was referred, a bill to amend an act prescribing the duties of county auditors, approved February 12, 1841, have had the same under consideration, and have directed me to report that in their opinion it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee was discharged and the bill indefinitely postponed.

Mr. Wines, from the same committee, made the following report :

MR. SPEAKER :

The committee of ways and means to whom a resolution was referred, instructing them to report a bill to provide means for the assessment and collection of the revenue for 1841, in those counties that have failed, or neglected to assess or collect the revenue for said year, have directed me to report the following bill and recommend its passage :

No. 372—a bill.

Said bill was read a first, second and third times and passed, (the being suspended.)

Ordered that the clerk inform the Senate thereof.

Mr. Norvell moved to reconsider the vote on the indefinite postponement of No. 109, a bill to amend an act prescribing the duties of county auditor, approved February 12, 1841 ;

Which motion did not prevail.

Mr. Hendricks made the following report :

MR. SPEAKER :

The committee of ways and means to whom was referred a bill to amend an act entitled "An act subjecting real and personal estate to execution," have instructed me to report that further legislation on that subject would at this time be inexpedient.

Said bill, No. 328, was read a third time ; when

Mr. Quick moved that said bill be indefinitely postponed ; and the ayes and noes being demanded thereon

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Brown of D., Chapman of L., Chrisman, Clark, Cooley, Coon, Cooper, Cotton, Davis of F., Davis of S., Defrees, Devin, Ellis, Foley, Foulk, Frink, Garrigus, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Leslie, Lingle, Marshall, May, Meeker, Monroe, Murray, Nelson, Norvell, Ogden, O'Neill, Quick, Rannells, Rawlings, Reed, Ritchey, Saffer, Saunders, Saylor,

Simonson, Sinks, Snoddy, Stratton, Thompson of F., Thompson of N., Townsend, Williamson, Wines of V., Yocum.—59.

Those who voted in the negative were,

Messrs. Bowers, Chapman of H., Clements, Cogswell, Dunbar, Edwards, Gilbert, Howard, Hutton, Lawrence, Lee, Lingle, Matheny, McAlister, Milliken, Mitchell, Montgomery, Myers, Peak, Poulson, Proctor, Rand, Robinson of C., Robinson of N., Rooker, Shively, Shoup, Snook, Tisdale, Warriner, Wines of A., Mr. Speaker—32.

Mr. Hendricks from the same committee made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred the petition of citizens of Porter county, praying certain alterations in the revenue law, have instructed me to report that legislation thereon is inexpedient.

The report was concurred in and the committee discharged.

Mr. Defrees made the following report :

MR. SPEAKER :

The committee of free conference, appointed on the part of the House, to take into consideration the disagreement of the two Houses on the joint resolution of the Senate number two, entitled "A joint resolution on the subject of specie payments and other purposes," have had it under consideration and now beg leave to report the following :

Strike out all of said joint resolution from the resolving clause and insert the following :

The report was read ; and, on motion, laid upon the table.

Mr. Davis of F., made the following report :

MR. SPEAKER :

The committee on ways and means to which was referred a resolution instructing them to inquire into the expediency of extending to the late collectors of State and county revenue, the provisions of the 22d section of an act entitled "An act prescribing the duties of county treasurers, approved February 12th, 1841," have had the same under consideration, and instructed me to report the following bill :

Said bill, No. 373, for the relief of the late collectors of State and county revenue was read a first and second times, (the rules being suspended) and ordered to be engrossed for a third reading.

Mr. Davis of F., made the following report :

MR. SPEAKER :

The committee on ways and means to which was referred bill of the Senate No. 153, authorizing the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal, have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate.

Mr. Davis of F. made the following report :

MR. SPEAKER :

The committee on ways and means to which was referred bill of the Senate, No. 146, relative to exchange brokers, have had the same under consideration and instructed me to report the same back to the House and recommend its passage.

Said bill was read a third time and passed.

Ordered that the clerk inform the Senate.

Mr. Davis of F. made the following report :

MR. SPEAKER :

The committee on ways and means to which was referred bill of the Senate No. 156, providing for the printing of one thousand copies of the laws of this state in the German language, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the House and recommend its passage.

Mr. Garrigus moved that said bill be laid upon the table;

And the ayes and noes being demanded thereon by Messrs. Howard and Hoobler,

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of D., Chapman of L., Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Davis of S., Defrees, Devin, Edwards, Ellis, Foley, Foulke, Frink, Garrigus, Gilbert, Goodhue, Graham, Grover, Hannegan, Hodges, Hoobler, Hutton, Lee, Leslie, Lingle, Matheny, Meeker, Montgomery, Nelson, Norvell, Ogden, O'Neill, Peak, Quick, Rannells, Rawlings, Reed, Robinson of R., Rooker, Saffler, Saunders, Shively, Snoddy, Snook, Stratton, Thompson of F., Thompson of N., Townsend, Warriner, Williamson, Yocum and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Brown of M., Butler, Chapman of H., Cooper, Cotton, Dunbar, Goodenow, Gorman, Hackleman, Hen-

dricks, Henley, Howard, Lawrence, Marsh, Marshall, May, McAlister, Milliken, Murray, Myers, Poulson, Proctor, Rand, Ritchey, Robinson of C., Runyon, Saylor, Shoup, Simonson, Tisdale, Wines of A., Wines of V.—34.

Mr. Henley, from the committee of ways and means made the following report:

MR. SPEAKER:

The committee of ways and means, whose duty it is to examine the state of the finances, present or prospective—to examine the offices of Auditor and Treasurer, and the situation and condition of the Treasury,

REPORT:

That they have examined all that pertains to the fidelity and faithfulness of the officers in those departments of the government, as well as the condition of the offices, and find that the various duties devolving upon these officers, so far as it is in the power of the committee to know, have been faithfully and diligently performed.

The committee in the discharge of the duties assigned them, find themselves peculiarly situated. The country is involved in a debt of \$13,261,378, which has been contracted for internal improvement purposes, (and including the bank loan made with the Morris Canal and Banking company,) and for the liquidation of interest. For the discharge of this immense debt, and the interest thereon, your committee have not (with but trifling exceptions, been able to ascertain any means within the control of the state immediately available, and but little in prospect but a resort to direct taxation. This the committee feel well assured, in the present pecuniary condition of the country, would meet the decided disapprobation of the people.

For it will be recollected, that in the inception and during the progress of the system of 1836, all the information given to the people in relation to that subject, was based upon wild and visionary opinions, mistaken ideas, and false theories. The recommendations of the executives of the states, who advised and influenced the adoption of the system; the reports of Engineers, who surveyed and estimated the various works, and the reports of the committees of both branches of the legislature, in regard to their cost of construction, were alike visionary and deceptive.

And the people in supporting the system, so far as it ever received their sanction, were induced to do so, by erroneous representations and false reports; and it is not reasonable to suppose, that, while then acting under the influence of these false and deceptive representations, (which then presented all as fair and safe) they never intended, and in the opinion of the committee they will not now consent to the imposition of a tax so far beyond the amount ever anticipated by them; and so far too, beyond the amount which many of our public men stand

solemnly pledged to the country that it should not exceed. It would therefore, be both unneccessary and unjust to levy a tax at this time sufficient to meet the interest on the internal improvement loans. Unnecessary, because in the present condition of the country, it could not be paid—and unjust, because to its present enormous extent, it has never received either the positive or implied sanction of the people. It is not at all surprising, that the imposing arguments, representations and assertions, in favor of this scheme, coming as they did from persons of high character and standing; persons, in whom the people have been taught to repose the utmost confidence, should have produced the disastrous effects, now so much to be deplored. The people, honest themselves, and unsuspecting of others, especially those whose duty it was to act as their guardians and protectors, have fallen a prey to the avarice of the wiley speculator, the ignorance and heartlessness of the demagogue, and the timidity of the political temporiser.

The committee, then, acting under this view of the subject, have made no levy to pay any portion of the interest on the internal improvement loans. This alternative has not been decided upon, without due deliberation and reflection, with regard to all its consequences. When the question was presented to the committee in its true light, and narrowed down to the simple alternative of intolerable oppression upon the people, or a neglect to pay the interest upon a debt, which never received their sanction, but one opinion could be arrived at. The people must be protected. Onerous taxation cannot be tolerated and liberty preserved. To submit to oppressive taxation would be to become slaves by our own consent, because in all countries, whether despotic or republican, it is by taxation alone that the people can be oppressed; and just in proportion to the amount of taxation are the liberties of the people graduated.

To have imposed a tax sufficient to pay the interest on the public debt, would place burdens upon our citizens equal to those imposed upon the serfs of Russia, and place them upon an equality with the peasantry of England or France. Of this the people are well aware, and under no circumstances, will they consent to such unreasonable and oppressive levy. Former legislatures too, seem to have been fully sensible of the utter impossibility of compelling the people to submit to excessive burthens.

For even in the hey-day of the system, and while its friends were in the zenith of their power and strength, they never *dared* to levy a tax to meet the interest on the internal improvement loans. And they took special pains too, by reports, speeches and declarations, on all occasions, to assure the people that they should not be taxed beyond a reasonable amount.

The committee have deemed it their duty to levy, and they believe the people will cheerfully pay a tax, sufficient to meet all the necessary expenditures of the state government and gradually to absorb the outstanding treasury notes.

The levy for the ensuing year, for the purposes mentioned, is as

high as will be required in any succeeding year, unless a subsequent legislature should determine to provide means by taxation for the payment of interest.

Twenty cents then, upon each \$100 of valuation may be considered the maximum of taxation, unless a different policy shall be adopted.

The committee would urge upon the legislature the importance of making a levy sufficient to sustain the credit, and keep in circulation the treasury notes issued to pay contractors on the public works. Those notes are in circulation; they are in the hands of the people, and to allow them to depreciate, would create a greater loss, and impose a heavier burthen upon the people than the tax which is intended to sustain their credit. It is not probable that there will be any means for the redemption of the notes in question, other than taxation, and to postpone it would increase the debt and depreciate the paper.

The committee have been somewhat particular in regard to the amount of taxes which it will be necessary to levy; that the idea of onerous taxation may be removed from the minds of the people.— Nothing can operate so injuriously to any country, as the belief that its citizens are liable to be oppressed by taxation.

Indiana is yet in her infancy, she has many millions of acres of unoccupied lands, and by the impression which has gone out to the world, that a heavy debt was suspended over us, and high taxes the inevitable consequence, our citizens have been discouraged and their buoyant spirits borne down, and the tide of emigration, so essential to our prosperity, has been turned from our borders. Let us then remove this incubus which hangs so heavily upon our interests, that our people may again assume their wonted alacrity and cheerfulness, and the spring tide of emigration be again caused to set in full current upon the fertile soil of Indiana.

Circumstances growing out of the mode of conducting our public works, and the finances of the state, have destroyed our credit and depreciated our stocks in the market to a mere nominal value, and if the state had means even to a limited extent compared with the actual amount of her debt, she could be easily relieved of all her burthens, for there could be no impropriety in purchasing her bonds at their market value. Those stocks having been principally disposed of in Europe, are now being returned to this country, to be sold for whatever price they will bring in the market; the holders are desirous to part with them at those rates, and Indiana, by an agent, could easily become the purchaser. The committee see no good objection to this policy on the part of the state. The people will be restless and dissatisfied so long as this debt hangs over them, and it is the duty of the legislature, by every means in its power, to endeavor to remove the embarrassment.

Our bonds, it is believed, from the rapid depreciation of state stocks during the past year, will in a short period be down as low as ten cents on the dollar. Now suppose our debt to be \$13,000,000, it would require a fund of \$1,300,000, to redeem all our outstanding bonds, and release our citizens from all the apprehensions of state insolvency and

oppressive taxation. But are there any means within the reach of the state that may be applied to this purpose?

The committee believe, that had as is our acknowledged condition, there are yet some resources that may be made available for the consummation of this desirable object. The securities taken on account of the suspended debt will at the most be sufficient to redeem the bonds sold on that account, and should they be disposed of in that manner, it would save the necessity of repudiation, a word that sounds harshly upon the ear, and an act that would add nothing to the character of a sovereign state.

The proceeds of the sales of the Wabash and Erie canal lands east of the mouth of Tippecanoe river, amounting to \$642,235 94, are prospectively available for any purpose the legislature may direct.— This sum would purchase \$6,420,000 of our bonds, which, with the amount of bonds to be liquidated by the suspended debt, would leave outstanding only \$3,136,000.

A bill has passed the present session of the legislature, providing for disposing of the public works to companies in exchange for the bonds of the state. Some of the works will doubtless be taken and completed under the provisions of this bill, and by this operation the remaining portion of our public debt may be absorbed.

There are other means, not now necessary to enumerate, which may, at a future day, be made available to sustain this operation, and to make good any untoward contingency which may result in the realization of the foregoing anticipations.

From the above resources, (although not now immediately at our command,) the State could avail herself of abundant means to purchase, at their market value, all her internal improvement bonds. This is an object so desirable and of so much importance to the prosperity and welfare of the State, that the committee cannot urge it too strongly upon the consideration of the legislature and the people.

Statement No. 1, is an exhibit of the receipts and expenditures of the State treasury, together with the cash in the treasury, from first January, 1841, to first January, 1842, the latter excluded.

By this it will be seen that the whole amount of	
cash on hand, and receipts, amounted to	\$443,317 06
That the expenditures during the same period	
amounted to	381,391 44

Leaving in the treasury, as cash on hand, the	
first of Jan. 1842,	\$61,923 62

Statement No. 2, is an estimate of the means of the treasury, and the demands upon the same for the civil list, or ordinary expenditures of 1842.

By this it will be seen that the cash on hand the 1st of	
January, 1842, amounts to,	\$61,923 62

That the amount estimated to be realised from the revenue of 1841, after all deductions for delinquencies and per centage for collection, - - - -	400,000 00
Making total of receipts and cash on hand, - - -	\$461,923 62
The estimated expenditures of every kind at Treasury, it will be seen amount to, - - - -	305,682 24
Leaving in the Treasury at the close of 1842, - - -	<u>\$161,923 62</u>

No. 3, is a table showing the condition of the Treasury at the close of 1843, on the supposition that there will be no balance in the Treasury at the close of 1842, other than treasury notes: and that the tax will be reduced to twenty cents on the one hundred dollars of valuation, and fifty cents on the poll.

By which it will be seen that there will be realised upon polls and assessments, at 20 cents tax on the one hundred dollars valuation and fifty cents from poll tax, \$203,550 00; and the expenses for civil list, \$100,000 00; and to be applicable to the redemption of Treasury Notes and interest, \$100,000 00—leaving at the close of 1843, \$3,550 00.

Statement No. 4, exhibits the whole amount of the public debt, of every kind, including as well those amounts the interest of which is provided for as such, for which no payment of interest is provided.

By this statement it appears that our whole indebtedness amounted on the 1st of January, 1842, to	\$16,688,123 00
From this it will be seen are deducted such sums as the State is paying no interest for, and such as the interest is provided for, amounting to, - - -	3,406,844 25

Leaving the amount on which the State is liable to pay an annual interest of, - - - -	<u>\$13,261,278 75</u>
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Statement No. 5, shows the amount of annual interest to be paid at the Treasury annually on the public debt, and the means to meet it. This it will be seen amounts to, - - - -

From this should be deducted the means provided for other than by taxation, - - - -	136,727 69
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Showing a deficit of, - - - -	\$ 612,395 31
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For which deficit no means are provided by law, and if met at all, must be provided by direct taxation.

Statement No. 6, shows the amount of the suspended debt* due to Indiana for bonds sold, hypothecated and parted with.

This amounts to, - - - -	\$3,705,055 25
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Your committee find by the statement of the fund commissioner, that there has been issued under the act of last General Assembly (chapter 119,) bonds bearing interest at 7 per cent. which are deposited with the Merchants Bank of New York. In view of the de-

pressed state of our bonds, the committee think that these bonds should be taken up and cancelled, and have accordingly reported a joint resolution to that effect.

In view of the probability that there may be a deficiency in the treasury, (as the expenses of every kind from this until the 1st of March, 1843, will have to be borne from the cash on hand, and the amount to be realised from the revenue of 1841,) the committee have inserted a provision in a bill herewith reported, which they deem will amply provide for such a contingency.

The committee herewith report a bill making general appropriations for 1842, and a bill making specific appropriations for 1842, the passage of which they recommend.

The committee also report herewith a bill levying a tax for State purposes, and for the gradual redemption of the Treasury Notes.

This bill provides that the tax on each \$100 valuation of property for 1842, shall be 20 cents, and on each taxable poll 50 cents, for State purposes.

This amount will in the opinion of your committee meet the current expenses of 1843, and leave a surplus of \$100,000 at least, for the redemption of the outstanding Treasury Notes.

THOMAS J. HENLEY, *Chairman.*

The undersigned, as members of the committee of ways and means, in coinciding with the majority of the committee in their recommendations and conclusions, dissent from the premises laid down by them, and particularly from the strongly expressed assertion that falsehood or deception has been practiced by former executives or legislatures.

The undersigned are not of the opinion that either has been wilfully or intentionally practiced.

They are further of the opinion that the people of Indiana are desirous to, and will eventually pay every dollar of the public debt, which they honestly owe.

JOHN H. BRADLEY,
JOHN S. DAVIS,
SAMUEL GOODENOW.

*The amount of suspended debt, as here given, is as it was reported to me by the fund commissioner; but an error has since been pointed out to me by that officer, which will swell the amount of suspended debt to \$4,169,819 35. The error is corrected in the tables.

T. J. HENLEY.

STATEMENT No. 1.

Showing the Receipts and Expenditures from January 1st, 1841 to January 1st, 1842.

RECEIPTS.		EXPENDITURES.	
There was remaining in the Treasury on the 1st of January, 1841,* - - -		There has been paid at the Treasury from 1st January, 1841 to 1st January, 1842, claims as follows:	
There has been received at the Treasury up to the 1st of January, 1842, as follows, viz:		For Revenue of 1838, refunded, -	\$19 31
For Revenue of 1837, - - -	\$166,558 16	“ “ 1839, “ - - -	162 18
“ “ 1838, - - -	10 00	“ “ 1840, “ - - -	443 26
“ “ 1839, - - -	55 95	“ Public Printing and distributing laws, -	9,804 01
“ “ 1840, - - -	257 79	“ State stationery, - - -	1,324 40
“ “ 1841, - - -	21,613 96	“ Indiana legislature, - - -	38,124 35
“ Lots in Indianapolis, - - -	12,309 37	“ Salaries of Executive officers, -	5,034 36
From estates without known heirs, - -	2,128 12	“ Salaries of Prosecuting Attorneys, -	1,467 35
“ Sales of public property and perquisites of Secreter's office, - - -	23 36	“ Salaries of Supreme and Circuit Judges, -	14,538 32
From borrowers of Treasury loans refunded, - - -	99 95	“ Salaries of Probate Judges, - - -	2,614 50
From borrowers of Treasury loans, being interest on loans, - - -	544 00	“ Militia account, - - -	141 63
From purchasers of mortgaged lands sold for Treasury loans, - - -	376 35	“ Expenses and repairs of State House, -	2,378 01
From Commissioners of University township of Gibson and Monroe, - - -	3,710 75	“ State Library, - - -	612 07
	2,341 03	“ State Prison, - - -	1,754 36
		“ Specific appropriations, - - -	8,794 66
		“ Seat of Government, - - -	98 29
		“ Contingent fund of Governor, - - -	790 37
		“ Wolf account, - - -	7 00
		“ Expenses of Presidential election, - -	16 00

From borrowers of University fund, -	3,989 04	For Militia fines distributed, - - -	7 00
“ “ “ “ as interest on loans, - - -	4,460 56	“ Expenses of Saline fund, - - -	5,307 04
From purchasers of mortgaged lands sold for loans of University funds, - - -	1,044 09	“ Loans of Saline fund, - - -	975 00
From Com'rs of Saline lands, - - -	455 00	“ Mortgaged lands to Saline fund, unsold for want of bidders, - - -	579 41
“ Borrowers of Saline fund, as loans refunded, - - -	1,295 00	For loans of State University fund, - -	1,250 00
From borrowers of Saline fund, as interest on loans, - - -	2,273 64	“ Expenses of University, - - -	6,605 15
From purchasers of mortgaged lands sold for loans of Saline fund, - - -	826 16	“ Mortgaged lands to University fund, unsold, &c., - - -	1,095 84
From borrowers of Indianapolis fund, (loans refunded,) - - -	50 00	For mortgaged lands to Treasury fund, unsold, &c., - - -	3,245 65
From borrowers of Indianapolis fund as interest on loans, - - -	39 14	For School moneys refunded, - - -	118 75
From Fund Commissioners, common school fund derived from Bank dividends, -	31,661 51	“ Internal Improvements, - - -	121,979 33
From Treasury notes, - - -	121,000 00	“ Treasury Notes burnt and interest on Treasury Notes, - - -	152,103 84
On account of Internal Improvement, -	66,192 13		
Total receipts, - - -	\$276,756 90	Total expenditures, - - -	\$381,391 44
Add amount in Treasury Jan. 1st, 1841,* -	166,558 16	Add amount in Treasury on 1st Jan. 1842, -	61,923 62
Total from Jan. 1st, 1841 to Jan. 1st, 1842, \$443,315 06			

\$443,315 06

STATEMENT No. 2.

An estimate of the means of the Treasury, and the demands upon the same, for the civil list, or ordinary expenditures of 1842.

RECEIPTS.		EXPENDITURES.	
There was remaining in the Treasury on the 1st day of January, 1842, - - -		There will be needed for the ordinary expenditures of 1842, as follows, viz:	
Estimated amount of revenue of 1841, which may be realized in 1842, - - -	\$61,923 62 400,000 00	For public printing, - - -	\$14,000 00
		" Distributing laws and journals, - -	800 00
		" Stationery for General Assembly, public offices, and printing, - - -	3,150 00
		For General Assembly, - - -	40,000 00
		" Executive officers, - - -	6,100 00
		" Prosecuting Attorneys, - - -	1,700 00
		" Supreme and Circuit Judges, - - -	15,500 00
		" Probate Judges, - - -	4,000 00
		" Adjutant and Quarter-Masters General, Expenses of State House, - - -	150 00
		" State Library, including Librarian's salary, - - -	3,000 00
		For transporting convicts to State Prison, -	700 00
		" Specific appropriations, - - -	1,800 00
		" Presidential election of 1840, - - -	8,000 00
		" Contingent expenses of Governor, - -	100 00
		" Outstanding salaries on 1st Jan. 1842, -	1,000 00
		" Salaries of President and Professors, &c., of State University, estimated, -	12,000 00
			5,000 00

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STATEMENT No. 2—Continued.

For amount due from Treasury to Seminary fund, - - -	8,835 05
For amount due from Treasury to Saline fund, - - -	5,836 94
For amount due to county Seminaries, (scientific fines,) - - -	494 40
For amount due to estates without heirs, -	1,402 35
" " " Marion county Library, (estimated,) - - -	1,300 00
For amount due to common school fund, (loaned to State,) - - -	9,463 50
For amount for redemption of Treasury, say one-tenth of whole issue of \$1,500,000, -	150,000 00
To amount of interest on same to 20th Nov. 1843, (estimated,) - - -	10,000 00
	305,682 24
Amount in the Treasury at the close of 1842, provided the receipts of 1842 are not in Treasury notes, - - -	156,241 38
	<u>\$461,923 62</u>

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STATEMENT No. 3—FOR 1843.

Showing the condition of the Treasury at the close of 1843, on the supposition that there will be no balance in the Treasury at the close of 1842 other than Treasury Notes, and that the tax on property will be reduced to 20 cents on the \$100 valuation, and the poll tax reduced to 50 cents on the poll.

RECEIPTS.		EXPENDITURES.	
Estimated receipts from 110,000 polls at 50 cents each,	\$55,000 00	Whole amount estimated for civil list, or ordinary expenditures, is	\$100,000 00
Deduct delinquencies say 15 pr. ct.,	8,250 00	Amount of Treasury Notes and interest to be redeemed, during 1843,	100,000 00
	46,750 00	Balance in Treasury at close of 1843,	3,550 00
Estimated amount of total value of all taxable property for 1842, including the additional lands brought upon the tax duplicate by the appraisers, and the additional lands taxable in 1842 for the first time, \$98,000,000, which at 20 cents on the \$100 makes the sum of,	196,000 00		
Deduct from this for delinquencies and per cent. to Treasurers, estimated at 20 per cent.,	39,200 00		
	156,800 00		
	<u>\$203,550 00</u>		<u>\$203,550 00</u>

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STATEMENT No. 4.

A statement of the whole amount of State indebtedness for Wabash and Erie Canal, Internal Improvements, Lawrenceburgh and Indianapolis Railroad, State Bank, Surplus Revenue of United States, and Indiana Treasury Notes, viz :

1. For State bonds sold for general system of internal improvements,	\$6,892,000 00
2. For Wabash and Erie Canal,	1,727,000 00
3. For State Bank for banking purposes,	2,390,000 00
4. For Lawrenceburgh Railroad Company,	221,000 00
5. For fourth instalment of surplus revenue, bonds for which were given to State bank,	294,000 00
6. Due State Bank for advances by several branches to internal improvement fund, including \$51,600 interest, up to 1st day of January, 1842,	692,000 00
7. For treasury notes outstanding,	1,353,000 00
8. Estimated interest up to Jan'y 1st, 1842, (treasury notes,) - - - - -	160,000 00
9. For first and second instalments of surplus revenue loaned in the respective counties, (the interest of which is applicable to common schools,) - - - - -	588,000 00
10. For third instalment of surplus revenue in hands of sinking fund commissioners, (the interest of which is applicable to payment of interest on State bonds,) - - - - -	294,000 00
11. For bonds parted with during 1841, being the amount heretofore hypothecated and sold, and not entered on the books, according to General Stapp's report, - - - - -	1,358,000 00
12. For interest due and unpaid on State bonds and treasury notes, to 1st January, 1842, viz : on \$13,261,378 75, - - - - -	589,123 00

Making a total amount of State indebtedness other than for the ordinary expenses, up to 1st of Jan., 1842,

A portion of the foregoing indebtedness may be considered nominal, viz : No. 9 and 10, and in order to ascertain the amount of indebtedness for which interest is to be paid, the following amounts should be deducted, viz :

1. (No. 9, as above,) first and second instalments surplus revenue of United States loaned to counties, on which the State pays no interest,	\$588,000 00
2. (No. 10,) the third instalment of surplus revenue,	294,000 00

16,858,123 00

On motion,

One thousand copies of said report were ordered to be printed.

Accompanying said report was,

No. 374—A bill levying a tax for State purposes, and for the gradual redemption of Treasury Notes;

Which was read a first and second times (the rules being suspended) and committed to a committee of the whole House and made the special order of the day for to-morrow, at 10 o'clock.

Also, No. 375—A bill making general appropriations for the year 1842;

Which was twice read and committed to the same committee.

Also, No. 376, a bill making specific appropriations for the year 1840;

Which was read a first and second times, (the rules being suspended) and committed to the same committee.

Also No. 377, a bill relative to the duties of auditor and treasurer of state; which was twice read and committed to the same committee.

Also, No. 378, a joint resolution, defining certain duties of the auditor and treasurer of state, and providing for the manner of disbursing Wabash canal land scrip;

Which was read a first time and passed to a second reading.

Mr. Brown of M., moved to reconsider the vote on printing one thousand copies of the aforementioned reports;

Which motion prevailed.

Mr. Brown of M., then moved to strike out "one thousand" and insert "two thousand;"

Which motion was decided in the affirmative.

On the question of printing two thousand copies,

The ayes and noes were demanded by Messrs. Matheny and Tisdale;

Those who voted in the affirmative were,

Messrs. Bowers, Brown of D., Brown of M., Chapman of H., Chapman of L., Chrisman, Cooley, Coon, Davis of S., Defrees, Dunbar, Ellis, Garrigus, Gilbert, Gorman, Graham, Hannegan, Hendricks, Henley, Hodges, Howard, Hutton, Lawrence, Marsh, Matheny, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Norvell, O'Neill, Poulson, Rand, Reed, Ritchey, Robinson, of C., Saffer, Saylor, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Thompson of F., Thompson of N. and L., Townsend, Warriner, Yocum, and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Barnett of L., Barnett of M., Bearss, Bradley, Butler, Clark, Cogswell, Cooper, Cotton, Davis of F., Devin, Edwards, Foley, Foulk, Frink, Goodenow, Goodhue, Grover, Hackleman, Harding, Hoobler, Lee, Leslie, Lingle, Marshall, Montgomery, Nelson, Og-

den, Peak, Proctor, Quick, Rannels, Rawlings, Robinson of R., Rooker, Runyan, Stratton, Tisdale, Williamson and Wines of Allen.—41.

Mr. Chapman of L. made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred bill of the House of Representatives No. 69, entitled "A bill regulating the duties of clerks of circuit courts and county auditors" together with the amendments of the Senate thereto, have had the same under consideration, and have directed me to report the same back with the following amendments and recommend their adoption.

The amendments were concurred in.

Ordered that the clerk inform the Senate thereof.

Mr. Marshall made the following report :

MR. SPEAKER :

The committee on the judiciary to which was referred an engrossed bill of the Senate No. 128, entitled an act supplemental to an act entitled an act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved Feb. 15, 1838, have had that subject under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill was ordered to a third reading on to-morrow.

On motion,

The House adjourned until two o'clock.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, enclosing a communication from the common council of the city of Alexandria; which was read and referred to the committee on federal relations.

Mr. Marshall made the following report :

MR. SPEAKER :

The judiciary committee to which was referred a bill of the House No. 332, entitled, a bill supplemental to an act, supplemental to an act subjecting real and personal estate to execution, have had that subject under consideration, and have directed me to report the same back to

the House without amendment, for the action of the House, and ask to be discharged from the further consideration thereof.

Mr. Leslie moved that the county of Harrison be stricken from the bill;

Which was agreed to.

Mr. Chapman of H. moved to strike out "Hancock;"

Which was also agreed to.

On motion, the bill was laid upon the table.

Mr. Marshall made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a bill, No. 348, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was read a third time and passed.

The title of said bill was amended by inserting "recorders," after the word "clerks."

Ordered, that the clerk inform the Senate thereof.

Mr. Gorman made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of sundry citizens of Clark county, ask that the laws in relation to absconding apprentices, have had that subject under consideration, and have directed me to report, that it seems to be the desire of the petitioners to have the law amended to meet cases of apprenticeship heretofore entered into. This they think, being retrospective, would not be binding on either party, without the *consent* of both, and therefore inexpedient. They therefore think that it is inexpedient to legislate upon the subject, until more general complaint is made in regard to the inefficiency of the laws as they now exist on that subject, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Gorman made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a petition on the subject of extending the time of final payment to the purchasers of school lands, have had the same under consideration, and have directed me to report, that the same subject has been presented and acted upon by this House during the present session, and therefore unnecessary to farther legislate upon the subject.

The report was concurred in, and the committee discharged.

Mr. Myers from the committee on military affairs, reported back, without amendment, No. 214, a bill to amend an act entitled "an act

to organize the militia of Indiana," approved, Feb. 10, 1836, with a recommendation for its passage.

Said bill was, on motion, laid upon the table.

Mr. Cooper made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, to whom was referred a bill of the House of Representatives, No. (305,) a bill for the relief of the purchasers of lots in the town of Indianapolis, the committee have had the same under consideration and directed me to report the same back to this House, without amendment, and recommend its passage.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Cooper made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, to whom was referred a bill of the Senate, No. (180,) a bill in relation to the Marion county Library, the committee have had the same under consideration, and directed me to report the same back to this House, without amendment, and recommend its passage.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred a bill of the House, No. 364, entitled "A bill to authorize the building of a bridge over Lassells creek," have had that subject under consideration, and have directed me to report the bill back to the House and recommend its passage.

Said bill was read a third time,

And the ayes and noes being demanded thereon by Messrs. Bearss and Robinson of C.:

Those who voted in the affirmative were,

Messrs. Bearss, Brown of D., Brown of M., Chapman of H., Foulk, Grover, Hackleman, Hannegan, Marshall, Montgomery, Murray, Quick, Rannels, Reed, Robinson of C., Robinson of R., Sinks, Thompson of N. and L., Tisdale, Wines of A., Wines of V.—21.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler, Chapman of L., Chrisman, Clark,

Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of S., Devin, Dunbar, Edwards, Ellis, Foley, Frink, Garrigus, Goodenow, Goodhue, Gorman, Graham, Harding, Henley, Hodges, Hoobler, Howard, Hut-ton, Lawence, Lee, Leslie, Lingle, Marsh, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rawlings, Rooker, Runyon, Saffer, Saunders, Sayler, Shively Shoup, Simonson, Snoddy, Snook, Thompson of F., Townsend, Warriner, Williamson, Yocum and Mr. Speaker—65.

Mr. Wines of A. made the following report :

MR. SPEAKER :

The committee on canals, &c., to whom was referred "a bill for the relief of certain persons therein named," have duly considered the same and directed me to report it back to the House and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Wines of A. moved to reconsider the vote on referring to a select committee a bill reducing the pay of members of the General Assembly ; which motion prevailed and the bill was referred to the committee on the judiciary.

Mr. Robinson of C. made the following report :

MR. SPEAKER :

The committee on corporations to which was referred bill No. 169, to incorporate the Indianapolis, Crawfordsville, and Lafayette turn-pike company, have had the same under consideration, and have desired me to report the same back to the House with two amendments, and recommend that the same be passed.

The first amendment was concurred in; and the second was not concurred in.

The bill was then read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Brown of D. made the following report :

MR. SPEAKER :

The committee on the State Bank to which this House has referred the memorials of citizens of La Porte county, complaining of the conduct of the branch bank at Michigan city—a preamble and resolutions of that branch—the answer of the President of the State Bank to interrogatories propounded to him by the House upon that subject ; and instructions to this committee, to inquire into the expediency of winding up the affairs of the branch bank aforesaid, has had these subjects under consideration and respectfully reports :

That this committee find the doctrines on both sides to be of such character, as to draw out this report into greater length than they

would have wished ; and crave the indulgence of the House if the remarks shall appear tedious.

The memorialists express themselves in favor of a bank "properly conducted," which propriety of conduct they evidently mean, should square with their own notions, as expressed in another part of the petition. This committee is not called upon to confess or deny, that if the bank had been under the direction of the petitioners it would have been better managed ; but they believe if it were proposed to erect a bank, under some of the restrictions they seem to meditate, no bank would be established ; nor would it be strange if diversity of opinion, on some of the matters treated of, should exist, (if expressed in other than general terms,) among the subscribers to the petition themselves.

The memorial sets out with assuming that the establishment of the State Bank of Indiana was to promote the public good. So far as the public, in the capacity of stockholder is interested in the direct profits of the institution, the memorialists are, undeniably correct ; but in the broad sense in which they seem desirous to maintain that assumption, this committee cannot perfectly coincide.

Is it true, in general, that such is really and experimentally the object of like corporations ? The committee apprehend that private gain is the object of such associations ; and without provision for that in their charter no such association would be formed. No doubt, legislators may have favored the incorporation of a bank of discount and circulation, from a belief and expectation, that public benefit would redound from the operations of a company clothed with privileges and immunities, and possessing large concentrated capital, which would have the effect to endow them, in a great degree, with a monopoly of dealing in the objects allowed them. The public advantage is, however, only incidental and subordinate. The prime duty of directors is to be careful of the interests of the stockholders ; when therefore, their interest cannot, in the opinion of the board, be reconciled with that of the public, the latter must yield.

It would indeed be high folly for such an institution to war against the public prosperity, in its ordinary business ; it would be wicked for it to do so, from sinister motives of directors, most of those ordinary pursuits, imputed by the petitioners, to the branch at Michigan city, and condemned by them as aberrations from just and good policy, appear to this committee as not cognizable to the legislature. The laws have given the board of directors of the State Bank the supervision of the branches ; the prescription of rules for their conduct when not controlled by law ; the prevention and correction of errors, and the punishment of abuses, and it may be, sometimes, advising in the choice of business ; but even their control has its natural limits ; while a body like a legislative assembly must ever be an improper tribunal to try minor delinquencies and errors in judgment. Ours, on flagrant or apparent violations of the charter, may order the directory to show cause before a judicial tribunal, why that charter should not be forfeited. It possesses no legal power over the management of the branches, nor does the committee suppose it ought to possess any, save for violation

ment of Banks, of the same character as that of this State, distinguished from acts incurring forfeiture, are deeper seated, radical and inherent in the system itself. The charter of the State Bank of Indiana appears to have been drawn with more caution than other States usually employ in incorporating institutions of this nature, but while the stockholders may almost elect whom they please as directors, (not excluded by the charter,) surprise need not be excited on finding the choice sometimes fall on men ignorant, selfish, designing, capable of unworthy feelings and motives, but possessing money influence. That such, when found in a directory, should be disposed, in the language of the petition, to oppress and tyrannize, would not be wonderful, but all this in the opinion of the committee, only goes to prove the difficulty of weeding out the vices complained of, for to restrict the directors from exercising their judgment and discretion, in deciding upon the character, responsibility, and even the business of an applicant for a loan, would be to make the Bank powerless for the objects of its institution, and to render the stock undesirable.

While the notions of the committee are at variance from those of the memorialists on several points, there is no disagreement between them concerning the embarrassment to trade, and other departments of industry, and the injury to credit, growing out of the long continued refusal of the banks to pay their debts. This is a breach of a condition of the charter, that puts it in the power of the legislature, on which devolves the decision of early or late resumption, or the coercion of *scire facias*.

The preamble and resolutions, adopted by the Branch Bank at Michigan City, next claimed the attention of the committee; and being intimately connected, were considered together. They set forth, that in the public mind there exists a want of confidence in the soundness and good management of the banking institutions of the country, which renders it extremely doubtful whether an early resumption of specie payments, '*generally*,' can be brought about; or, if brought about, be long maintained.

This is gloomy foreboding, in general. The word *generally*, marked with emphasis, when taken in connexion with the context, seems meant to include the banks of other States. If so, the committee fear there may be much to sustain the doubt, provided the petitioners intended to include the western banks, without exception, in the general phrase; but it loses force if confined to banks in a solvent condition. Others may not resume, or if they do so, cannot be expected long to maintain specie payments. Should good and sound banks generally resume, the apprehended failure of those in bankrupt circumstances ought not, in the opinion of the committee, to hinder the former from attempting to retrieve their honor and credit. However convenient and desirable a concert among the banks may be, to accomplish this object by simultaneous action, it would be an unpromising feature of the concern, if the Bank of Indiana were actually now dependent upon the movements of other banks in this particular; and the committee think if such necessity existed more than four years ago, it

ought by this time to have been removed. The committee have thought that no such necessity could fairly be inferred from the statements and exhibits of the bank and of its branches.

The board admits a growing distrust, and seems to lament that their operations have to depend, so much as they do, upon public confidence; and in the natural repugnance of men to blame themselves, so long as a plausible pretence can be found for casting the blame elsewhere, inveigh against repudiation, staving off private debts by shifts, and legislative enactments of valuation and stay-laws, sapping, they say, the foundation of all credit and confidence; implying in the strongest manner that confidence in the institution over which they preside has been greatly weakened by such means.

This, the committee believe, cannot be so, in respect to impaired confidence in the bank. The number of cases in which a bank must resort to process of law, in order to recover, is, or ought to be, comparatively small. It is believed by the committee, that a bank, in most cases, can wrench payment from its negligent debtors, by applying an engine called a protest, within whose grasp few traders voluntarily come—for, during its application, their credit is suspended, their operations already in train embarrassed, and their power of mercantile movement paralyzed. But if this position be controverted, the denial will very scantily effect the main one they assumed, to-wit, that the admitted loss of confidence in the Branch Bank at Michigan City, had not its origin or continuation in the subjects of the invectives of the directors; nor yet in the "unwearied efforts of a portion of that community, through *interest* or *design*, stirring up a clamor against that branch." The causes are deeper, broader, and more palpable—if confidence in them be destroyed, the committee suspect the fault to be their own, and not owing to the causes to which the board imputes its sinking credit. On the contrary it must be confessed that the people have borne the stoppage and the long protracted suspension, with "wonderful and admirable patience."

If this branch had conducted its affairs with fidelity and honesty, (which the committee have no means of bringing to the test,) the committee incline to the opinion that there must have been some lack of caution and discretion; perhaps too great an eagerness for large dividends, and some heedlessness of the directions and admonitions of the state board: otherwise the credit and reputation of the branch ought not to have gone on declining. And it should, ere this, have been able to deride the clamor of the *interested* and *designing*, unless its condition was become deeply involved in an early part of its career. The report of the president of the State Bank, in relation to this branch, supports the committee in their belief that weakened confidence has not grown entirely out of the causes to which they ascribe it.

The preamble and resolutions of the board, draw from the committee the passing remark, that the censure they express against the imputed causes of decreasing confidence comes with a special ill

grace from an institution that for so long a period has "staved off its debts," and dishonored its obligations.

The resolution of the board to place its means in the best possible condition, cannot fail to meet with unreserved approbation. No objection is perceived to the course of confining their discounts to negotiable paper having a short time to run, and based upon actual mercantile transactions; but the propriety of limiting the duration of such policy to the period when the resumption of specie payments shall be fully settled by the state board, is not clear to your committee.

The response of the president of the State Bank, before mentioned, wears no appearance of evasion or concealment; and its declaration that private stockholders had made satisfactory payments of the instalments of their stock, denies by strong inference, the improper mode of such payments suggested by the memorial, which the House will observe, deals much in generalities, without specifications, without pointing to particular persons, transactions, or dates. In the suggestion last quoted, it asserts, the petitioners have reason to believe, without disclosing what that reason may be. An obvious first resort, of those aggrieved or suspicious is to represent the misconduct of the branch to the state board of directors, whose imperious duty it is to redress and rectify; and at all times to enforce *with rigor*, observance of their precepts and mandates; as well for the sake of uniformity and good policy in general, as to save the well governed branches from becoming victims of the bad management of those wilfully or carelessly negligent of their rules and admonitions.

The General Assembly has determined that an agent shall investigate the conduct of the Branch Banks; which mode of scrutiny appears to this committee likely to lead to safe and satisfactory results. This committee, from its situation, is but ill adapted, comparatively speaking, to examine the details of bank business; to investigate with desirable minuteness, the affairs and management of such institutions; to ferret out abuses hinted or suspected; and to fix or dismiss charges vaguely or obscurely intimated: as an agent on the spot may do much more successfully than a standing committee of the House possibly could, even by the consumption of much time, and great expenditure of public money. In view of these considerations, the committee is convinced that the House has wisely refrained from clothing it with inquisitorial powers, in the matter of the Branch Bank at Michigan City.

Upon a careful review of all the papers referred to them, the committee conclude that no urgent necessity exists for the House to forestall the decision of the directory of the State Bank upon the question of the expediency of closing the branch at Michigan City, and winding up its affairs—the House having manifested an indisposition to an immediate exercise of its powers to compel such liquidation by *scire facias*, on account of non-payment.

Although the committee do not deny that stockholders (the State included,) and the public, may derive benefit from indulging the directors of the branch in their apparent wish to "wind up," yet, apart,

from the question of non-payment, they discover nothing so pressing in the matters referred to them, as to forbid the House from trusting the discretion of the state board of directors till next session, in determining whether it shall be expedient to suspend or "wind up," the Branch Bank here treated of, and respectfully ask to be discharged from further consideration of the subject.

Mr. Bradley made the following report:

MR. SPEAKER:

The joint committee on the State Library, to whom was referred the petition of W. W. Read, praying a remuneration for a bill of books furnished for said Library on the order of William J. Brown, Esquire, late Secretary of State, and State Librarian, report that they have had that subject under consideration and find, that on the 25th day of June, 1840, an order was drawn by the said William J. Brown, Esq., of which the following is a copy:

INDIANAPOLIS, June 25, 1840.

Mr. W. W. Read, Hartford, Conn:

Please forward to me, at Indianapolis, the following books for the State Library, of the State of Indiana, to wit: History of the French Revolution, 3 volumes, Sparks' Washington, Marshall's Colonial History, Marshall's Life of Washington, 2d volume of Bancroft's History of the U.S., Debates in N. Y. Convention, Blakes Biographical Dictionary, 4th vol. Portrait Gallery, Gizot History of Civilization, Walker on Intermarriages.

I wish Mr. Read also to exercise his discretion in the purchase of 300 dollars worth of books of a scientific and literary character, for which he is to draw on the Secretary of State the first of January next.

WM. J. BROWN, Secretary of State.

That said order was given to Mr. Read, at or about the time of its date, and that subsequently the said Read, in compliance with said order, furnished a lot of books, amounting as per bill, to the sum of \$344 13, which were duly received by the said William J. Brown, as Secretary of State or State Librarian. Your committee further find that the said W. W. Read has never been paid for said books or any part thereof.

These books having been purchased and received by Mr. Brown, whilst acting as State Librarian, the committee conceive it their duty to call upon him for information relative thereto, and also to ascertain whether he had expended the amount of money drawn by him from the treasury, for the increase of the State Library, according to law, and if so, why the above claim of Mr. Read had not been paid. And at their request, he made and submitted to them the following written statement and report:

Statement of William J. Brown late Secretary of State and State Librarian, made before the joint committee on the Library.

By reference to my last report made to the Legislature, it will be seen that in the spring of 1840, there was in my hands as State Librarian \$485 91. That the purchases for the year 1840 amounted to \$588 11. I paid to Bartlett & Welford three hundred and seventeen dollars thirty-six cents. I also paid out to Dr. Munsell and others, including some books which I reserved for the Library when I sold my book store, the amount of \$69 74. This added to Bartlett & Welford's bill makes \$387 36. This deducted from the amount received by me, \$485 91, left in my hands \$108 55. The amount of books purchased in 1840 was \$588 11; amount in cash paid out was \$387 36, leaving \$200 75 not paid for. Of this amount there is in the State treasury \$102 20, leaving in my hands \$98 55. Annexed is a catalogue of the books in the Library, which was taken from Read's bill.

LIST OF BOOKS PURCHASED OF W. W. READ.

Combe, Foster and McNish,	\$2 00
Blair's Rhetoric,	1 75
Wesley's works,	4 00
Davenzant's Exposition,	4 00
Robinson's Scotland and India,	2 50
Hunter's Sacred Biography,	2 00
Hemans' works,	2 50
Classical Antiquities,	1 75
Biblical Analysis,	1 75
Firres on Cholera,	1 50
Richardson's Dictionary,	12 00
Elegant Extracts,	6 00
Baxter's works,	4 50
Leland's Demosthenes,	1 50
Principles of Government,	1 50
Josephus,	4 00
Freeman's Companion,	1 00
Sprague's Lectures,	1 00
Moral Encyclopedia,	1 00
Gleanings in Europe,	1 50
" France,	1 50
" Switzerland,	1 50
Olmstead's Philosophy,	4 50
American Revolution,	1 00
Festivals and Fasts,	75
Farmer's Library,	2 00
Book of Knowledge,	1 00
Baptist in America,	1 00
Revolution in Europe,	1 50
Mellvain's Sermons,	2 50
Spiritual Despotism,	75
Blue Laws,	75

Sprague's Letters,	62
Spain Revisited,	1 75
Bancroft's Life of Walton,	85
Memoir of Nevins,	75
" of Miss. Winslow,	94
Life of Calvin,	75
Gazetteer of Michigan,	1 50
Abell's Residence in China,	85
Clerical Manners and Habits,	75
Beecher's Difficulties of Religion,	87
Stevens' Travels,	1 50
American in England,	1 50
Zinzendorf,	1 00
Alcot's Library of Health,	1 00
Lyel's Geology,	5 50
Memoirs of Kightly,	2 00
Mental Culture,	1 00
Advice in pursuit of Literature,	75
Lib. Reg. Knowledge,	2 50
British Portrait Gallery,	16 00
American Oratory,	2 25
Lascases' Napoleon,	5 50
Book of U. S.	2 50
Life of Cranmer,	1 00
South America and Texas,	1 00
Newman's Political Economy,	75
Lady Blessington's Works,	3 75
Pericles and Aspasia,	2 20
Buckenridge's Tour,	1 00
Life of Brandt,	4 50
Sparks' Life of Washington,	5 50
Marshall's Colonial History,	2 00
French Revolution,	7 50
Hebrew Wife,	75
Adams on Millennium,	63
Diary of Blaze,	75
Knapp's Literature,	75
Manufacturing Districts of England,	1 00
Protestant Jesuitism,	94
Railway Locations,	1 00
Outre Mer,	1 75
Necessity of Proper Education,	73
Wardlaw's Christian Ethics,	1 00
Life of Miss Hews,	1 25
Hinman's Antiquities,	1 00
Combe's Lectures, &c.,	1 80
Northern and Western Traveller,	1 00
Economy of Health,	62
China and the English,	50

American Characters,	50
Memoir of Hews,	63
Paulding on Slavery,	63
Sigourney's Sketches,	75
Washington Vitae,	1 13
Spurzheim on Education,	1 00
Danas' Mineralogy,	3 00
Life of De Ritz,	1 25
Southey's Naval History,	1 00
Malcolm's Travels,	3 00
Persian Tour,	2 50
Southey's Works,	3 50
Modern Society,	1 60
Modern Accomplishments,	1 00
Eugene Aram,	1 00
Devereux,	88
Smith's Key,	1 00
Oliver Twist,	1 00
Rienzi,	1 00
History of Vermont,	50
Sketches by Boz,	1 00

\$200 91

In relation to the contract with W. W. Read, I will state the facts as they occurred. Early in the summer of 1840, Mr. Read, who I had formed a slight acquaintance with in Philadelphia, visited Indianapolis, and wanted a contract to furnish the state with stationery, and also proposed to me, as State Librarian, to forward any books which we might need for the Library. I gave him a list of a few books that I wanted; he then informed me that he had an opportunity of procuring the latest publications, and the latest importations of foreign publications, and I gave him an order for certain books, and to cover any other valuable publications, he might find. I gave him a discretionary power in that order, but at the same time I gave him a list of the books in the Library, to prevent the purchasing of duplicate copies; and told him at the same time what must positively be the character of the books, as I would receive no other.

When he returned home he was to write to me and send me a catalogue of such books as he could procure, and I was then to give notice by letter, whether I would receive them or not. I never heard any thing of him, until I received an invoice of the books, which was sometime in the month, in which he informed me that he had forwarded the books to me, so that I had no opportunity of countermanding the order, which, when I saw the bill, I should certainly have done if I had had any opportunity. When the books arrived I selected out two hundred dollars and seventy-five cents worth, and put into the Library which I have always been ready to liquidate; of this amount there is in the State Treasury of this money \$102,20, the

balance is in my hands, I considered at the time and still think, from the character of the books I was not bound to receive one of them. Many of them were in the library before; and this I think Mr. Reed knew; others were of a character wholly unsuited to a State Library as the bill will show, and all at a price unusually high. I considered it a gross imposition, which he was attempting to practice on me. All the balance of the books of last year's purchase has been paid for. Notwithstanding, I signed my name as Secretary of State I never have considered that the State was bound by my order, as the Secretary of State never had by law a right to purchase books. That duty devolved on the State Librarian.

This has been a question which has been urged against me, by my political enemies for the last year, and with a full knowledge of the facts the people of Marion county have been misinformed respecting me, and for the purpose of still further harrassing me as I believe, suit was commenced against myself and securities in the Marion circuit court, as a defaulter, as Secretary of State, when I most positively state that not one dollar of any public fund ever came into my hands as Secretary of State, for which my securities were liable. Yet I was sued on my bond as a defaulter for five thousand dollars, but before I had an opportunity of defending myself, the suit was dismissed, and the second application is now to be made to the Legislature, and I now state that the matter stands as enumerated in the first page of this paper.

WM. J. BROWN.

The committee have had no voucher submitted to them; nor any catalogue of the books above referred to, as purchased of *Dr. Munsell and others, and reserved by Mr. Brown out of his book-store*, amounting to \$69,74. But they are of opinion from the statements of Mr. Brown and others relative thereto, that the same are generally correct, and should be allowed.

They conceive that a fair statement of his account with the State, for money drawn by him from the Treasury, and his disbursements thereof, is as follows—to-wit:

Dr.	
To amount of cash on hand, unexpended of appropriation of 1839.	\$85,91
To amount drawn from Treasury for 1840.	400
Total, in his hands January 1840.	\$85,91
Cr.	
By cash paid Bartlett & Welford for books purchased	\$317,36
By cash for books of Munsell and self,	69,74
Total, expended by him,	\$387,10
Balance in his hands unexpended at the expiration of his term of office, and still in his hands,	\$98,81

This balance it will be observed, differs, in only twenty-six cents, from the amount admitted by him to be in his hands, of public money drawn from the Treasury by him, for the use of the State Library.

By the foregoing statement, it will also appear, that for the causes, there stated, he saw proper to place in the Library, of the books so ordered and purchased of Mr. Read only a portion, of the value of \$200,75. What became of the others, your committee have no definite information. But if the purchase be considered, as by the order it would seem, the act of the Secretary of State, who by law was the State Librarian, your committee conceive, he had no authority to dispose of them; and as the books, when so purchased belonged to the State, he must be held accountable for their value. They therefore, in addition to the balance, charged to him, as above, of money on hand drawn from the Treasury, to-wit, \$98,81, conceive it right to charge him with said books not placed in the Library, and admitted to have been received, amounting to the sum of \$143,58, making his whole indebtedness to the State at this time, the sum of \$242,39.

Your committee in view of all the circumstances of this case, and of the fact, that William J. Brown, Esq., the said late Secretary of State and State Librarian, and who thus is in default for public moneys in his hands, is a member of the House of Representatives, have allowed him every opportunity to explain the matters complained of in the petition referred to them, and they only regret that their duty compels them to present the result above stated. They do not conceive it within the sphere of their duty to comment in any way upon it, but submit the whole matter to the House for its own consideration and action.

The committee report the following bill, and recommend its passage.

JOHN H. BRADLEY,
WILSON THOMPSON,
JOHN FOSTER,
B. F. REEVE,
J. ANGLE.

Said bill, No. 378, for the relief of W. W. Read was read a first time and passed to a second reading.

Mr. Foulk made the following report :

Mr. SPEAKER :

The select committee to whom was referred several petitions from sundry citizens of the counties of Wayne and Marion, upon the culture and manufacture of silk, have had that subject under consideration and directed me to make the following report :

The committee regret to state, that at present they are not in possession of sufficient data to justify them in attempting to make a general and detailed report upon that subject. But from the limited information they have been able to collect in the short space of a few days since the subject was referred to them, they are unanimously of the opinion that it is one that claims the early and serious attention of

the people of Indiana. It appears from the best information now before them, that there are numerous establishments in the United States now engaged in the manufacture of silk, which yields a large profit upon the capital so employed; and from the experiments already made in this branch of domestic industry, under the encouragement afforded by small bounties upon the raw and manufactured article; that a great variety of fabrics, such as sewing silk, vestings, dress silks and handkerchiefs, &c. &c. may be produced and have actually been furnished in Ohio and other States, quite equal in style and usefulness to similar articles imported from foreign nations; and the committee have little doubt but in the course of a few years a considerable portion of the present demand for silk fabrics may be supplied by citizens of the United States, without abstracting but little labor from agricultural and mechanical pursuits, but by giving profitable employment to females and children, whose labor, it appears, is peculiarly adapted to that kind of business.

And the committee have no reason to doubt that the soil and climate and skill of Indiana is equally well adapted to the growth and manufacture of silk as that of other States where the most successful experiments have been made.

The committee will only add that the several States herein named are now paying the following bounties, viz :

Pennsylvania	pays	20	cts.	per	lb.	for	cocoons	and	50	cts.	for	reeled	silk.
New York	"	15	"	"	"	"	"	"	50	"	"	"	"
Delaware	"	15	"	"	"	"	"	"	50	"	"	"	"
Georgia	"	10	"	"	"	"	"	"	50	"	"	"	"
Illinois	"	10	"	"	"	"	"	"	1,00	"	"	"	"

With these views the committee report to the House the following bill.

WM. R. FOULKE, *Chairman.*

The undersigned, one of the committee, dissents from so much of the bill accompanying this report as provides for paying a premium to silk manufacturers or growers, as he believes that the silk business should be able at this time to maintain itself, and further that the State of Indiana is not in a situation now, from the embarrassed situation of her financial concerns, to pay a premium.

E. L. DUNBAR.

Said bill, No. 379, a bill to encourage the growth and manufacture of silk, was read a first and second times (the rules being suspended) and referred to the committee of ways and means.

Mr. Reed made the following report :

Mr. SPEAKER :

The select committee to whom was referred the petitions of a portion of the citizens of Henry county, praying for a stay law, have had the same under consideration, and from the fact that a bill upon the sub-

ject of said petitions has been reported to the House, the committee ask to be discharged from a further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. McAllister made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of Joseph Howard, late sheriff of Madison county, have had the same under consideration, and have directed me to report the same back to the House and ask its reference to the judiciary committee.

The report was concurred in and the petition referred accordingly.

Mr. Leslie made the following report :

MR. SPEAKER :

The select committee to which was referred bill No. 295, entitled a bill to repeal a part of an act entitled an act to locate a state road in the counties of Harrison and Crawford, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House without amendment and recommend its passage.

Said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Montgomery made the following report :

MR. SPEAKER :

The select committee to whom was referred bill of the Senate No 114, for the purpose of reorganizing the first judicial circuit, have had the same under consideration, and directed me to report the same back to the House with one amendment and recommend its passage.

Said amendment was concurred in and the bill read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Shoup made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill No. 303, supplemental to an act subjecting real and personal property to execution, approved January 8, 1842, have had the same under consideration, and a majority of them have requested me to report the same back to the House with one amendment and recommend its passage.

Mr. Foulk moved that said bill be laid upon the table ;

And the ayes and noes being demanded thereon by Messrs. Shoup and Chapman,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Chapman of L., Cogswell, Coon., Cotton, Davis of F., Defrees, Edwards, Ellis, Foulk, Goodenow, Hannegan, Henley, Hodges, Hoobler, Leslie, Lingle, Marsh, May, Meeker, Mitchell, Monroe, Montgomery, Murray, Poulson, Quick, Rannells, Rawlings, Reed, Rooker, Runyon, Sayler, Sinks, Snoddy, Stratton, Thompson of Noble, Tisdale, Warriner, Wines of Allen and Wines of Vigo—44.

Those who voted in the negative were,

Messrs. Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Clements, Cooley, Cooper, Davis of Sullivan, Devin, Dunbar, Foley, Frink, Garrigus, Gilbert, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Hutton, Lawrence, Lee, Marshall, Matheny, McAllister, Milliken, Myers, Nelson, Norvell, O'Neill, Peak, Proctor, Rand, Ritchey, Robinson of Rush, Saffer, Saunders, Shively, Shoup, Snook, Thompson of Fayette, Townsend, Yocum and Mr. Speaker—47.

The amendment of the committee was then concurred in.

Mr. Bradley moved to strike out "ten" and insert "six"—the time of stay ;

Which motion was decided in the negative.

Mr. Edwards moved to strike out "ten" and insert "eight ;"

Which motion did not prevail.

Mr. Chapman of Laporte moved to strike out the second section.

Mr. Brown of Marion moved to amend said section as follows :

Insert in the proper place the words, "in addition to the stay allowed by the first section of this act ;"

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clements, Cogswell, Davis of Sullivan, Dunbar, Foley, Gilbert, Gorman, Harding, Hoobler, Lee, McAllister, Myers, Peak, Proctor, Robinson of Rush, Rooker and Townsend—22.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foulk, Frink, Garrigus, Goodenow, Goodhue, Graham, Grover, Hackleman, Hannegan, Hendricks, Henley, Hodges, Howard, Hutton, Lawrence, Leslie, Lingle, Marsh, Marshall, Matheny, May, Meeker, Milliken, Mitchell, Monroe, Murray, Montgomery, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson

of Carroll, Runyon, Saffer, Saunders, Sayler, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Warriner, Williamson, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—72.

The question recurring on the amendment moved by Mr. Chapman of Laporte.

Mr. Hutton moved the previous question ;

Which being seconded, was put, to-wit :

Shall the main question be now put ?

And decided in the affirmative.

The previous question, to wit :

Shall the bill be engrossed for a third reading ?

And the ayes and noes being demanded thereon by Messrs. Leslie and Robinson of Carroll,

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Butler, Chapman of H., Chrisman, Clements, Cogswell, Cooley, Davis of Sullivan, Dunbar, Foley, Garrigus, Gilbert, Goodhue, Gorman, Hackleman, Harding, Hendricks, Hutton, Lawrence, Lee, Matheny, McAllister, Myers, Nelson, Norvell, Peak, Proctor, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Shively, Shoup, Townsend, Yocum and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Chapman of Laporte, Clark, Coon, Cooper, Cotton, Davis of F., Defrees, Devin, Edwards, Ellis, Foulk, Frink, Goode, Now, Graham, Grover, Hannegan, Henley, Hodges, Hoobler, Howard, Leslie, Lingle, Marsh, Marshall, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Murray, O'Neill, Poulson, Quick, Rand, Rannels, Rawlings, Reed, Ritchey, Runyon, Sayler, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Williamson, Wines of Allen and Wines of Vigo—57.

Mr. Graham from a select committee made the following report:

MR. SPEAKER :

The select committee to which was referred the petitions of the citizens of Warrick and Spencer counties, for a state road from Boonville to Mackville, also a remonstrance upon the same subject, have had the same under consideration and directed me to report a bill;

No. 380—A bill to authorize the boards doing county business, in the counties of Warrick and Spencer, to appoint viewers to view a state road from Boonville to Mackville.

Said bill was read three several times, (the rule being suspended,) and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Bradley, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of numerous citizens of Miami county, charging Benjamin H. Scott, the clerk of said county, with malfeasance in office, have had that subject under consideration and directed me to report:

That from the investigation of the matter which the committee have been enabled to make, and the evidence produced to them they are unanimously of opinion that the said Benjamin H. Scott, as clerk of the said county, has been guilty of misconduct of a highly reprehensible character, and for which he should be removed from the office he now holds.

The committee have had before them evidence showing said Scott to be guilty of the following of the charges alleged in said memorial, to-wit:

That he has retained illegally in his hands and refused to pay over when demanded, money paid to him by the Sheriff on executions issued from his office, and denied that said money was in his hands or was collected, and at the same time refused to issue any execution for the collection thereof.

That said Benj. H. Scott, while acting as such clerk, neglected and refused to lay before the board doing county business of said county, at the last session of the year 1840, a statement exhibiting the situation of the Seminary fund of said county, pursuant to law.

That said Benjamin H. Scott, while acting as such clerk, refused and neglected to make out any tax list for the assessor for the year 1841, though frequently demanded of him, in consequence whereof the said county has not been assessed with taxes for said year.

That said Benjamin H. Scott, as such clerk, refused to deliver over to the auditor elect of said county, the books, papers and vouchers belonging to such auditor, or any part of them, when requested by said auditor.

That said Benjamin H. Scott, while being such clerk, in the year 1840, refused to act and officiate as clerk of the board of commissioners of said county, although by law he was bound so to do; and also refused to permit the records of said commissioners to be taken from the clerk's office to the said commissioners' court when demanded by the sheriff for that purpose.

That said Benjamin H. Scott, whilst acting as such clerk, demanded and charged illegal fees for services rendered by him as such clerk.

The committee have no hesitation in saying that said Benjamin H. Scott should be removed from his said office as clerk.

The committee, in view of the fact that the time for the adjournment of the present legislature has been fixed for the 31st inst., and that there will not be sufficient time during the present session to prefer and act upon articles of impeachment against said clerk, re-

commend that the application be made to the next session of the General Assembly, and they be discharged from the further consideration thereof.

D. R. BEARSS,
JOHN H. BRADLEY,
P. L. RUNYON,
W. B. MITCHELL,
JOHN D. DEFREES.

On motion,

The report of the committee was concurred in.

Mr. Mitchell made the following report:

Mr. SPEAKER:

The select committee to whom was referred the petition of citizens of Elkhart county, relative to removing obstructions in St. Joseph river in the counties of Elkhart and St. Joseph, have had the subject under consideration and recommend the passage of the bill herewith presented, to-wit:

No. 381—A bill for removing obstructions in the St. Joseph river, in the counties of Elkhart and St. Joseph;

Said bill was read three several times (the rules being suspended) and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Myers made the following report:

Mr. SPEAKER:

The select committee to whom was referred a bill relative to the Knox County Seminary, have had that subject under consideration and directed me to report the following bill and recommend its passage:

No. 382—A bill relative to the Knox County Seminary;

Which was read a first time and passed to a second reading.

Mr. Henley made the following report:

Mr. SPEAKER:

The select committee to whom was referred a memorial of N. B. Palmer, Esq., late Treasurer of State, have directed me to report a joint resolution in conformity with the prayer of the petitioner.

No. 383—A joint resolution;

Which was read a first and second times (the rules being suspended) and ordered to a third reading.

Mr. Robinson of Rush introduced

No. 384—A bill to authorize Philip Mason to convey certain lots to Pinckney James and for other purposes;

Which was read three several times (the rules being suspended) and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Brown of Marion made the following report:

Mr. SPEAKER:

The select committee to which was referred bill of the Senate, No. 44, have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

Said bill was read a third time and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Lee made the following report:

Mr. SPEAKER :

The select committee to whom was referred a bill on the subject of a state road, or alley, commencing at, or near the east end of White River Bridge, and running north on the line between lots, No. 148, 149, 150, 151, 155, 156, until the same commensurates with North street, have had the same under consideration, and have ordered me to report:

That the prayers of your petitioners are just and right, but that the proceedings of said petitioners have not been in accordance with law as made and provided in the fourteenth section of the fourth chapter of an act entitled, an act relative to public roads and highways, approved, February 17, 1838, in consequence of the informality of said petitioners, your committee ask to be discharged from further consideration of that subject.

The report of the committee was concurred in and the committee discharged.

Mr. Goodhue made the following report:

Mr. SPEAKER :

The select committee to whom was referred bill No. 233, have had the same under consideration, and have directed me to report it back with two amendments, in which they ask the concurrence of the House and recommend its passage.

On motion,

Said bill and amendments were laid upon the table.

Mr. Cotton from a select committee made the following report:

Mr. SPEAKER :

The select committee to which was referred the petition of the citizens of Spencer and Perry counties, asking the creation of a new county out of a part of the surplus territory of Spencer county, have had that subject under consideration, and have directed me to report, that the petitioners not having complied with the provisions of an act entitled "an act defining the duties of petitioners for re-locating seats of justice, and for other purposes," (approved, February 4th, 1841,) it

is impossible to comply with the prayer of the petitioners, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Lee offered the following resolution :

Resolved, The Senate concurring therein, that this General Assembly will not adjourn, *sine die*, until Monday the 7th day of February next, and the resolution heretofore adopted by the House and concurred in by the Senate, on this subject, be rescinded.

Mr. Hoobler moved that said resolution be rejected ;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Coon, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Dunbar, Edwards, Ellis, Foley, Foulke, Frink, Garrigus, Gilbert, Goodenow, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Leslie, Lingle, Matheny, May, McAllister, Meeker, Milliken, Monroe, Montgomery, Myers, Nelson, Norvell, O'Neill, Poulson, Quick, Rand, Rawlings, Reed, Ritchey, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Shively, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Tisdale, Townsend, Warriner, Wines of Allen, and Yocum—77.

Those who voted in the negative were,

Messrs. Bradley, Chapman of Hancock, Goodhue, Lee, Mitchell, Peak, Rannells, and Thompson of Noble—8.

Mr. Milliken offered the following resolution :

Resolved, that the committee of ways and means be instructed to inquire into the expediency of providing by law for the assessment of real estate, the present year, in such counties as desire it ;

Which was not adopted.

On motion of Mr. Norvell,

Resolved, that a select committee be appointed to ascertain the prices now paid for paper, for the public printing; and to enquire also if paper of the same quality, and of 20 quires to the *ream*, cannot be furnished at a less price, than now paid, thereby making a large saving to the State.

The Speaker laid before the House a communication from the keeper of the State House ;

Which was referred to the committee on public buildings.

Mr. Hodges, on leave, introduced No. 385, a bill to limit the time of holding the circuit courts in Vigo county ;

Which was read three several times (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Runyon, on leave, introduced a bill for the location of a state road in Kosciusko county, and for other purposes ;

Which was read three several times and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Hendricks, on leave, introduced,

No. 386, a bill to regulate the duties of justices of the peace and constables in Shelby county ;

Which was read three several times (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has adopted the following resolution :

Resolved, That the House of Representatives be respectfully requested to return the message announcing the concurrence of the Senate in the amendment of the House of Representatives to the first amendment of the Senate to bill of the House of Representatives No. 177, to repeal an act converting the sinking fund, saline, college, surplus revenue, and state bank funds into bank stock.

On motion,

The resolution of the Senate was reciprocated.

Ordered, that the clerk inform the Senate.

The following message was received from the Governor, by his private secretary Mr. Kiersted.

MR. SPEAKER :

I am directed by the Governor to inform the House of Representatives, that he has on this day approved and signed the following acts:

No. 75—an act to amend an act entitled “an act authorizing aliens and Foreigners to hold real estate within the State of Indiana;”

No. 196—an act to authorize the President Judge of the 3d judicial circuit to hold an extra term in the county of Dearborn ;

No. 152—an act for the relief of Huntington county ;

No. 292—an act for the relief of the owners of certain lots in the town of Bloomington ;

No. 271—an act to amend an act entitled “an act to amend an act entitled, “an act dividing the State into judicial circuits, and fixing the times for holding courts therein, and for other purposes, approved Feb. 10, 1831, approved, Jan. 28th, 1839.

No. 207—an act to incorporate the Delphi storage and forwarding company ;

No. 204—an act to vacate a certain state road therein named, and to declare a certain portion of a county road a state road ;

No. 183—an act to remove the disability of Mary Ann Bruner ;

No. 291—an act to authorize the furnishing of hydrant water to the town of Attica;

Also, the following Joint Resolutions,

No. 198—a joint resolution relative to the harbor of St. Joseph at Lake Michigan;

No. 327—a joint resolution in relation to the construction of a harbor at Michigan City;

All of which originated in the House of Representatives.

Mr. Robinson of Rush made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following entitled bills and joint resolutions of the House of Representatives, to-wit:

No. 327, a joint resolution in relation to the construction of a harbor at Michigan city;

No. 292, an act for the relief of the owners of certain lots in the town of Bloomington;

No. 291, an act authorising the furnishing of hydrant water to the town of Attica;

No. 271, an act to amend an act entitled an act to amend an act entitled an act dividing the State into judicial circuits and fixing the times for holding courts therein and for other purposes, approved February 10, 1831, approved January 28, 1839;

No. 207, an act to incorporate the Delphi storage and forwarding company;

No. 183, an act to remove the disability of Mary Ann Brewner;

No. 204, an act to vacate a part of a certain state road therein named and to declare a certain portion of a county road a state road;

No. 198, a joint resolution relative to the harbor of St. Joseph at Lake Michigan;

No. 196, an act to authorise the president judge of the third judicial circuit to hold an extra term in the county of Dearborn;

No. 152, an act for the relief of Huntington county;

No. 75, an act to amend an act entitled an act authorising aliens and foreigners to hold real estate within the State of Indiana.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that on the 24th instant he approved and signed the following acts:

No. 94, an act to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company;

No. 184, an act to authorise John Callahan to build a bridge across the mouth of Tanners' creek in Dearborn county;

No. 203, an act to vacate the town of Richardville in Huntington county;

No. 300, an act to amend an act to incorporate the town of Terre Haute, approved February 17, 1838;

No. 115, an act prescribing the duties of the Quarter-Master General, and fixing his rank and compensation;

Also,

No. 242, a joint resolution authorising the board of internal improvement to settle the claims of the residue of the contractors on the southern division of the Central canal.

All of which originated in the House of Representatives.

Mr. Robinson of Rush made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following engrossed bill of the Senate, to-wit:

No. 77, an act to amend the several acts for the regulation of the State Prison.

Mr. Cotton made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined the following enrolled with the engrossed bills of the Senate and find them correctly enrolled, to-wit:

No. 113, a joint resolution in relation to the Indiana University;

No. 90, an act to repeal an act entitled an act to authorise Thomas S. Winde to establish a ferry therein named, approved Jan. 19, 1841;

No. 92, an act to prevent the further sale or hypothecation of Indiana State bonds by any fund commissioner or other agent;

No. 116, an act concerning criminal practice;

No. 155, an act to vacate certain lots in the town of Edinbuagh, Johnson county;

No. 112, a joint resolution authorising the distribution of the revised laws of 1838 to Randolph county;

No. 104, an act to authorise the agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State;

No. 98, an act to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 24, 1840;

No. 77, an act to amend an act entitled an act for the regulation of the State Prison, approved February 3, 1841.

Mr. Chrisman, on leave, introduced

No. 387, a bill to legalise the acts of the probate courts and county commissioners' courts in the county of Boone;

Which was read three several times, (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

On motion,

The House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JAN. 26, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

The Speaker laid before the House a communication from the President of the Hanover College;

Which was referred to the committee on education.

Mr. Bradley, on leave, introduced

No. 389, a bill to incorporate the Garrick Literary Institute;

Which was twice read (rules being suspended) and referred to the committee on corporations.

Also, No. 390, a bill to authorise the construction of a railroad in the northern part of the State;

Which was read a first and second times (rules being suspended) and, on the question, Shall the bill be engrossed for a third reading,

The ayes and noes being demanded thereon by Messrs. Edwards and Chapman of Hancock,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Chapman of LaPorte, Chrisman, Clark, Cogswell, Cooley, Davis, Devin, Dunbar, Ellis, Foulk, Gilbert, Goodenow, Grover, Harding, Hodges, Marsh, Marshall, M'Allister, Meeker, Mitchell, Myers, Nelson, Quick, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Runyon, Sinks, Snook, Stratton, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson and Wines of Vigo—40.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Butler, Chapman of Hancock, Clements, Coon, Cotton, Edwards, Foley, Frink, Garrigus, Goodhue, Gorman, Hackleman, Hendricks, Henley, Hoobler, Howard, Hutton, Lawrence, Leslie, Lingle, Matheny, May, Milliken, O'Neill, Peak, Poulson, Proctor, Rand, Saffer, Saunders, Shively, Shoup, Simonson, Snoddy, Thompson of Fayette, Yocum and Mr. Speaker—39.

Mr. Nelson, on leave, introduced

No. 391, a bill for the relief of certain persons therein named;

Which was read three several times (rules being suspended) and passed.

Ordered, That the clerk inform the Senate.

Mr. Hackleman, on leave, introduced

No. 392, a bill to incorporate the Rushville Band;

Read three several times (rules being suspended) and passed.

Leave was granted to introduce bills generally.

Mr. Hannegan introduced

No. 393, a bill to amend an act entitled an act concerning Knox county, approved January 28, 1839;

Which was read three several times (rules being suspended) and passed.

Mr. Townsend introduced

No. 394, a bill to locate part of a state road therein named:

Which was read three several times (rules being suspended) and passed.

Mr. Bowers introduced

No. 395, a bill to repeal an act entitled an act to relocate part of a state road therein named;

Which was read a first and second time; and

On motion of Mr. Howard,

Referred to a select committee.

Mr. Garrigus introduced

No. 396, a bill amendatory of an act entitled an act authorising the appointment of constables, and defining their duties;

Which was read three several times (rules being suspended) and passed.

Mr. O'Neill introduced

No. 397, a bill to change part of a State road in Greene and Monroe counties;

Which was read three several times (rules being suspended) and passed.

Mr. Gilbert introduced

No. 398, a bill to amend an act granting tavern and grocery licences, approved February 3, 1832;

Which was read a first and second times (rules being suspended) and laid upon the table.

Mr. Rand introduced

No. 399, a bill to reduce the compensation of members of the General Assembly, and to provide for the administration of the government on principles of strict justice and economy;

Which was read a first and second times (rules being suspended) and referred to the judiciary committee.

Mr. Montgomery introduced

No. 400, a bill to legalise the change of the name of the town of Camden in Jay county;

Which was read three several times (the rules being suspended) and passed.

Mr. Goodhue introduced

No. 401, a bill ;

Which was read a first and second times (the rules being suspended) and referred to the judiciary committee.

Mr. Clements introduced

No. 402, a bill for the incorporation of Washington, Daviess county ;

Which was read a first and second times (rules being suspended) and referred to the committee on corporations.

Mr. Peak introduced

No. 403, a bill repealing the thirty-third section of an act therein named ;

Which was read three several times and passed.

Mr. Defrees introduced

No. 404, a bill vacating the town plat of Ocoola in St. Joseph county ;

Which was read three several times (the rules being suspended) and passed.

Mr. Coon introduced

No. 405, a bill to vacate the town of Castleton in White county ;

Which was read three several times (the rules being suspended) and passed.

Mr. Wines of Allen introduced

No. 406, a bill regulating tavern licenses in Allen county ;

Which was read a first and second times and referred to the judiciary committee ;

Mr. Davis of Floyd, on leave, introduced the following resolution ; which was adopted, viz :

Resolved, That the Senate be respectfully requested to return to this House bill No. 180, entitled "an act in relation to the Marion county library."

Mr. Brown of Marion introduced

No. 407, a bill to change the boundaries of the incorporation of the town of Indianapolis ;

Which was read a first and second times, and, on motion, laid upon the table.

Mr. Chapman of Hancock introduced the following resolution, which was adopted :

Resolved, That the committee of ways and means be requested to inquire whether any, and if any, what relief should be granted to collectors of state and county revenue where they have used due diligence to collect, and failed to do so for the want of bidders on property which has been offered for sale, and to report by bill or otherwise.

A message from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate insist on their disagreement to the amendments made by the House of Representatives to bill No. 31 of the Senate, entitled "an act applying certain funds to purposes of education," and have appointed Messrs. Nave and Parker a committee of free conference on the part of the Senate to act with a similar committee which they request may be appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to said amendments.

On motion,

The House insisted on their said amendment.

Messrs. Chapman of Laporte and Ritchey were appointed a committee of free conference on the part of the House.

Mr. Hannegan made the following report :

MR. SPEAKER :

The select committee directed by certain resolutions of the House to investigate the transactions of the Fund Commissioners, and other agents and officers of the state, have directed me to report the accompanying testimony. In so doing, the committee are of opinion that the order of this House, directing one thousand copies of the same to be printed, has superseded the necessity of commenting upon such testimony in this report.

There are many reasons which naturally suggest the propriety of this course on the part of the committee under the order of the House, which was evidently intended to leave the whole matter open for the investigation of the community.

After a careful consideration of the testimony however, the committee feel constrained to present for the adoption of the House the following resolution:

Resolved, That suits should be instituted by the proper authority, on behalf of the state, against Isaac Coe and Milton Stapp, for malversation in office, after allowing them until the first day of next May to settle their accounts with the state.

Joshua Soule Jr. is allowed for services in swearing witnesses

before the Investigating committee - - - - - \$30, 00

And it is the opinion of the committee that each witness be allowed the sum of \$1 00 per day, from the time of leaving home, until his discharge by the committee, which sum shall be paid such witnesses by the Treasurer of state whenever they shall have presented their accounts, verified by affidavit, to the auditor of state, whereupon the auditor is required to audit the same.

EDWARD A. HANNEGAN,

Chairman of the investigating committee, of the Ho. of Rep.

On motion,

The report of the committee was concurred in.

A message from the Senate, by Mr. Maguire their secretary:

MR. SPEAKER :

The Senate has passed engrossed bills thereof entitled as follows, viz :

No. 201—an act to amend an act entitled “an act for the relief of John Rodolph Fischli,” approved February 18, 1839.

No. 207—an act authorizing the county commissioners of Jefferson county to sell and dispose of the Poor Farm in said county, and for other purposes.

No. 190—an act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison ;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 201 was read a first and second times and referred to a select committee of Messrs. Dunbar, Henley and Simonson.

No. 207—mentioned in the message was read three several times and passed.

No. 190—mentioned in the message, was read a first time and passed to a second reading.

The House now, according to order, resolved itself into a committee of the whole, on the revenue bills, according to the special order made on yesterday, Mr. Nelson in the chair, and after some time spent therein the committee rose, reported progress and asked leave to sit again ; which leave was granted and, on motion, made the special order for this afternoon at two o'clock.

The following message was received from the Senate by Mr. Farquhar their assistant secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has passed with three amendments the following engrossed bill of the House of Representatives.

No. 91—to amend an act entitled “an act to authorize the payment of contractors on the Wabash and Erie canal, east of the mouth of the Tippecanoe river,” approved February 15, 1841.

The second and third amendments of the Senate were agreed to and the first amendment disagreed to by the House.

Ordered, that the Senate be informed thereof.

A message from the Senate by Mr. Maguire their secretary :

MR. SPEAKER :

The Senate has passed engrossed bills of the House of Representatives, without amendment entitled as follows, viz :

No. 93—an act to fix the time of holding the Marion circuit court ;

No. 175—an act to change the mode of selecting petit jurors in Lawrence county, and for other purposes ;

No. 304—an act relative to a dam and lock on Elkhart river ;

No. 307—an act for the relief of purchasers of lands at school commissioners sales in St. Joseph county ;

No. 277—an act to provide for the preservation of the southern division of the central canal ;

No. 367—an act to regulate the jurisdiction of justices of the peace in Lawrence county, and an act amendatory to other acts therein named ;

No. 370—a joint resolution on the subject of improving the navigation of the western rivers ;

No. 369—an act to amend an act entitled “an act to revise and amend an act incorporating Congressional townships and providing for public schools therein ;”

No. 321—an act to give corporate powers to the county of Brown.

The Senate has also passed bills of the House of Representatives, with amendments, entitled as follows, viz :

No. 310—an act to provide for the summoning and empanneling grand and petit jurors in certain counties therein named ;

No. 272—an act relative to licensing groceries in the county of Carroll ;

In which the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills thereof, entitled as follows, viz :

No. 109—an act for the relief of the inhabitants of school district No. 4, in Congressional township No. 2, north of range one west, in Orange county ;

No. 164—an act to incorporate the Citizens Band in the county of Daviess ;

No. 170—an act to incorporate the town of Muncietown, Delaware county, Indiana ;

No. 204—an act to incorporate the Presbyterian Congregation of Lafayette in Tippecanoe county ;

No. 216—an act for the better regulation and management of certain trust funds loaned by authority of the State ;

No. 224—an act to provide for the location of a state road in the county of Ripley ;

No. 226—an act to authorize Elizabeth Neal, a minor, to unite with her husband, Thomas J. Neal, in the conveyance of real estate.

No. 234—an act to attach a part of Stark county to the county of Laporte ;

In which bills of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills of the House Nos. 310 and 272, mentioned in the message, were concurred in.

The bills of the Senate numbered 109, 164, 204, 224, 226 and 234 were severally read a first, second and third times (rules suspended) and passed.

No. 170, mentioned in the message, was read a first and second times and laid upon the table.

No. 216, mentioned in the message, was read a first time and passed to a second reading.

The Speaker laid before the House a communication from the board of internal improvement, relative to the arm of the canal at Evansville;

Which was read and referred to the committee on canals and internal improvements.

Mr. Clark moved to reconsider the vote on the indefinite postponement of No. 344, a bill to create the fourteenth Branch Bank district;

Which motion prevailed.

The question coming up on the engrossment of the bill,
And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Brown of M., Butler, Chapman of Laporte, Chrisman, Clements, Cogswell, Cooper, Davis of Floyd, Defrees, Dunbar, Ellis, Gilbert, Goodenow, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Henley, Hodges, Hoobler, Lee, Leslie, Marshall, Matheny, McAlister, Murray, Myers, Nelson, O'Neill, Poulson, Rand, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Saffer, Saunders, Simonson, Sinks, Snook, Stratton, Townsend, Williamson, Wines of Allen and Wines of Vigo—51.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bradley, Brown of Dearborn, Chapman of Hancock, Clark, Cooley, Coon, Cotton, Devin, Edwards, Foley, Frink, Garrigus, Hendricks, Howard, Marsh, May, Meeker, Milliken, Mitchell, Monroe, Montgomery, Norvell, Proctor, Quick, Runyon, Shively, Shoup, Snoddy, Thompson of Fayette, Thompson of N. and L., Tisdale, Warriner, Yocum, and Mr. Speaker.—34.

Said bill was then considered as engrossed, read a third time and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Ritchey, from the committee on education, made the following report:

MR. SPEAKER :

The committee on Education to whom was referred a resolution of this House, and also a communication from Drs. John Evans and Isaac Fisher, of the county of Fountain, on the subject of establishing a Lunatic Asylum, have had the subject under serious consideration and directed me to report:

That in the opinion of the committee, the subject is one of great importance, and well deserving legislative attention. The number of individuals laboring under mental derangement within the State of

Indiana is shown to be very considerable by the returns of the late census. That number will doubtless increase with the increase of population. As cities and towns increase in size and number, and as the population of the country becomes more dense, the causes which produce insanity in all its varied forms, will be evidently increased in force and efficiency. The wretched condition in which many of this class are confined, is sufficient to excite the strongest sympathies of the benevolent heart, wherever that condition is known. Many are *imprisoned for life* without the commission of crime, in some filthy cellar or out-house, without ever being permitted to breathe the pure air which should be free to every human being, without the privilege of beholding the light of the sun, or looking upon the face of nature when robed in her native loveliness, except through some hole or crevice in their loathsome cell or hovel, deserted by those whom nature and nature's God designed to be their guardians; denied the pleasure of beholding the face of a *friend*; and deprived of all social enjoyments. Others are permitted to run at large, and roam over the whole country, often in a state of almost entire nudity, destitute of proper food, and exposed to the inclemency of the season and the storm. Such is but a faint and imperfect sketch of the condition of many of our race; many too of no mean origin; many once renowned for the brilliancy of their intellect and high moral worth. Such cases, such suffering and deprivation, should call forth all the generous feelings of our nature, all the sympathies of *true* philanthropy, all the charities of pure religion.

To be deprived of *reason* is enough, but to be deprived of proper food and clothing, of the light of Heaven and the balmy breeze, of the attention of friends and all social enjoyment, and imprisoned in a human sty, is absolutely intolerable. To be deprived of both, of all, is inconceivably deplorable, and should arouse within us such feelings of benevolence as show themselves in energetic action, rather than in empty expression. An inquiry may here be presented, cannot those unfortunate beings who have been deprived of reason be as well taken care of, and as successfully treated, by physicians in the families of their friends or relatives as in an asylum established exclusively for the lunatic? The answer is obvious, *they cannot*. A moment's reflection will convince any one, that in perhaps a majority of cases, insanity occurs in the humbler walks of life, and among the poorer class of community. In such cases it is known that the friends of the unfortunate lunatic *cannot* provide such apartments and other things necessary to the comfort and safety of the insane, as are requisite in the management and treatment of such cases. In such cases it is impossible for the most skilful physician to pursue such a course of practice as is necessary to cure diseases of the mind, even in cases which occur in the more wealthy portion of community, and where comfortable quarters can be provided, the long duration of such cases prevents that careful, steady and persevering medical and moral treatment which alone is found successful in cases of insanity. The friends and relatives are unable to employ a physician who will

attend *constantly* for such a length of time as is generally necessary to effect a cure; the expense of employing the services of a skillful physician for so long a time, and such constant attention is such as but few families are *able* to meet, and perhaps fewer *willing* to bear. The physician, by no means destitute of charity, humanity or benevolence, is unable to render such services, and devote his time and attention to such cases, to the exclusion of other business, without reward or compensation.

The consequence is, that the unfortunate insane are shut up in some out-house or suffered to run at large for the remainder of their wretched existence.

But even in cases where the circumstances and feelings of the friends and relatives of the patient are such as to afford every facility, every thing necessary, so far as such things can be furnished in a private family, still it must be admitted, and that too without in the least detracting from the high and honorable character of the medical profession in the State, that physicians generally are not so well qualified to treat such cases as they are the prevailing diseases of the country, or as those who have been accustomed to *treat cases of insanity exclusively*.

The science of medicine is one of almost infinite expansion, and comprehends the treatment of *all* the maladies to which mankind is subject, and has been classed or divided into a number of departments or branches. A man may be well informed on one of those and quite ignorant of another. A physician may know how to treat a fever and be a very unskillful surgeon. He may be a very expert and successful operator, and not know how to treat a case of lunacy or insanity.

Experience in the treatment of all diseases, furnishes the greatest advantages, and notwithstanding all theoretical attainments, no man can be considered an able and good physician, who has not had a considerable share of practice, and who has not profited by observation and experience. In the common practice of the country, cases of lunacy are seldom met with, and the physician turning his attention to such cases as he is commonly called upon to cure or relieve, devotes himself almost entirely to the study of the prevailing diseases. If a case of mental derangement occur in the round of his practice, he treats it on general principles. It is a new case of novel character, which he has seldom met with, and instead of being guided by the light of *experience*, he is bound to depend on *theory alone*. Who would not prefer, if afflicted with any disease requiring medical aid, to call on a physician who, in addition to a sound mind, a kind heart, and a thorough knowledge of his profession, possessed also, the advantage of a *long experience* in the treatment of such cases?

The greatest advantage to those, then, who are afflicted with mental diseases, so far as physicians are concerned, is that they may be placed under the care of one who is *experienced* in the treatment of such cases, and where the advantage of that experience can be *constantly* directed to the restoration of reason.

In the treatment of mental diseases, much depends upon the persons who have charge of the insane, as well as upon the proper medical treatment. But very few persons are fitted by nature to take care of an individual laboring under a fit of insanity, and even they may profit much by observation and experience, and by devoting themselves to the care of insane persons as a *business*.

From the foregoing observations, your committee have concluded that, as there is already within the State of Indiana a considerable number of individuals laboring under mental diseases, which number will be enlarged as the population of the State increases—as the condition of the insane is such as to excite the strongest sympathy of which we are susceptible—being not only deprived of *reason*, but every other comfort, and constantly tormented with legions of evil spirits—his own life and that of all others within his reach, being in danger during his fits of frantic rage—as, in most cases, suitable apartments cannot be furnished by the friends or relatives of the unfortunate and wretched sufferer—as the expense of procuring proper medical attention and careful nurses is so great, that few are *able*, and fewer *willing* to incur it, on account of the great duration of such diseases—and as the treatment, with the view of restoring reason to the raving maniac, is much more likely to be successful when entrusted to the skillful management of those who have devoted themselves exclusively to that class of diseases, it is a matter of serious inquiry whether the cause of humanity, the interest and happiness of many of the most miserable of our fellow beings, and the honor of the State, do not imperiously demand the establishment of a Lunatic Asylum.

Your committee, through the politeness of the Hon. E. A. Brown, have been favored with the perusal of the annual report of the Superintendent of the Ohio Lunatic Asylum. By that report, it appears that that institution has been in operation three years, during which time there have been admitted 343 individuals into the asylum, and 201 have been discharged from it. Of the 201 discharged, 124 were recovered, and 11 others were improved, 30 were incurable and idiotic, and 36 died.

"The per cent. of recoveries on all discharged is	61 69
" " " " " on all the old cases discharged,	33 33
" " " " " on all the recent cases dis'ged,	86 11"

Here is a most cheering result. Of 343 received into the institution, who in all probability must have dragged out a most miserable existence, had it not been for the humane and scientific efforts of the Superintendent and managers of the asylum, 124 have been entirely cured and put in possession of their "*right mind*," restored to themselves, their families and friends, and returned to their country. To this may be added 11 others *improved*. Of the whole number, more than one-third have been actually cured. Until recently, Ohio, like Indiana, had no asylum for the insane, (except the "Commercial Hospital" at Cincinnati, connected with the Ohio Medical College, where they can take charge of but few at most,) and of course many of those admitted

into the Ohio Lunatic Asylum, were cases of long standing, in which the chances of cure are generally lessened in proportion to the length of the period of insanity. As those are disposed of, and cases of recent origin are admitted, the result is still more cheering. By the above extract it is seen, that of the long standing cases, the per cent. of cures effected is but 33 33, while of recent cases it is 86 11—a far greater proportion of cures than the most ardent philanthropist could have expected. It is probable that, as those who have charge of the institution acquire experience from constant application and observation, and the portals of the asylum are opened to the insane at an earlier period of their insanity, the proportion of cures to the number admitted, will be still greatly increased.

Of the States of the Union, twenty-one of them have turned their attention to this subject, and have already in operation all the measures most approved for the comfort, safety and cure of this most pitiable class of our fellow beings, in their charitable and hospitable asylums. In fact several of them sustain more than one institution of the kind. The State of New York sustains 4 institutions in which the insane are taken care of; Massachusetts and Pennsylvania each sustain 3; Virginia and Ohio each sustain 2, while in the States of Indiana, Illinois, Missouri, Arkansas and Michigan and the Territories of Florida, Wisconsin and Iowa and the District of Columbia there is no institution of the kind. Within these States, Territories and the District of Columbia there are now 566 insane persons, as shown by the returns of the late census, for whom the hand of charity has made no suitable provision, and what is still more remarkable, and still more humiliating to the people of Indiana, is, that of the 566 insane persons within the States and Territories just mentioned—*two hundred and forty-one* belong to Indiana. There are then within this State already a greater number of persons of that description than can be accommodated in any asylum within the United States.

Your committee cannot refrain from expressing their deep and pungent regret, that, while almost every other charitable enterprise has been undertaken and pushed forward with a zeal, perseverance and energy truly commendable, this most charitable and benevolent of all the enterprises which the spirit of philanthropy or even christianity has ever recommended should have been so long neglected and postponed by the good people of our beloved State. While we have been legislating for the "*relief*" of one class after another, we have been *deaf* to the shrill and piercing cries of the maniac. While we have been spending million upon million, upon a system of internal improvement, which has involved the State in interminable difficulties, not one cent has yet been appropriated towards the establishment of asylums for the Deaf and Dumb, the Blind or the still more unfortunate class, who have been deprived of Reason.

While Indian has been thus shamefully squandering her resources on works which are likely to be viewed only as monuments of her *folly*, and neglecting to build up those institutions which the cause of humanity should have erected, as monuments of a far nobler character—our own

suffering fellow citizens have been knocking for admission into the charitable institutions of our sister State—and knocking in vain.

From the report before alluded to we find that there have been applications made for the admission of 13 insane persons from this State into the Ohio Lunatic Asylum. These applications have been refused for want of room. What burning shame should crimson the cheek of every Indianian on being informed of the foregoing fact. In view of the foregoing facts and the great necessity of speedy action upon this important subject your committee have concluded to recommend the adoption of the following Preamble and Resolution.

On motion of Mr. Hannegan,
500 copies of the report were ordered to be printed.
The joint resolution accompanying the report,
No. —A joint resolution on the subject of a Lunatic Asylum;
Was read three several times (rules suspended) and passed.
Ordered that the clerk inform the Senate.

MR. SPEAKER :

I have been directed to inform the House of Representatives, that the Senate have refused to concur in the amendments of the House to bill of the Senate,

No. 114—An act reorganizing the first judicial circuit, and fixing the times of holding courts therein, and for other purposes.

Mr. Montgomery made the following report:

MR. SPEAKER :

The committee on corporations to whom was referred the bill of the House, No. 389—"A bill to incorporate the Garrick Literary Institute," have had the same under advisement, and finding it contains no appropriation or banking privileges, and has the repealing clause attached, the committee have thereupon directed me to report the same back to the House, and recommend its immediate passage.

Said bill was then read a third time and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Robinson of R. made the following report:

MR. SPEAKER :

The joint committee on enrolled bills report, that they have compared the enrolled, with the engrossed bills and joint resolutions of the Senate and House of Representatives, and find the same correctly enrolled bills, to-wit:

No. 125—An act giving the collector of Decatur county for the year 1840, further time to collect the balance due said collector;

No. 198—An act relative to a state road, in Washington and Clark counties;

No. 20—An act for the relief of the owners of Wabash and Erie Canal Lands;

No. 217—An act for the relief of Ebenezer S. Hawley, former collector of Ripley county;

No. 200—A joint resolution in relation to the Wabash and Erie Canal lands;

No. 212—An act relative to the public square, in Evansville Vanderburgh county;

No. 211—An act to amend an act entitled an act relative to the surplus revenue of the United States, altered to Carroll county, approved, February 10, 1841;

No. 208—an act for the relief of the trustees of the Mount Salem Church in Monroe county.

No. 122—an act to review and relocate so much of the state road from Fredonia to the mouth of the Wabash, as lies in Warrick county.

No. 269—an act to amend an act entitled an act to fix the times of holding courts in the fifth judicial circuit, approved January 30th, 1841.

The joint committee also presented to his Excellency the Governor for his approval and signature, the above named acts and joint resolutions named, of the Senate and House of Representatives.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House now again resolved itself into a committee of the whole on the revenue bills, Mr. Simonson in the chair, and after further consideration thereof, the committee rose and reported several amendments to the House and asked its concurrence.

On motion,

The said amendments were concurred in.

Said bills Nos. 374, 375, 376, and 377 were ordered to be engrossed and severally read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Hannegan made the following report :

Mr. SPEAKER :

The committee of free conference appointed on the part of this House to act with a similar committee on the part of the Senate, to take into consideration the difference between the two Houses in relation to the amendments proposed by the Senate to bill No. 44 of the House of Representatives, report that they have had the same under consideration, and have failed to agree upon any proposition for the compromise of the disagreement.

On motion,

The committee were discharged.

A message from the Senate by Mr. Harris, a member :

Mr. SPEAKER :

I have been directed to inform the House of Representatives that the Senate has passed the following engrossed bill of the House of Representatives, to wit :

No. 318—an act supplemental to an act entitled an act to amend an act entitled an act authorizing the appointment of constables and defining their duties, with two amendments, in which the concurrence of the House of Representatives is respectfully requested.

Mr. Robinson of C. moved to concur in said amendments by inserting in the proper place, the following :

"Or by any justice of the peace."

And the ayes and noes being demanded thereon :

Those who voted in the affirmative were,

Messrs. Barnett of M., Bowers, Brown of M., Butler, Chapman of H., Chrisman, Clements, Cooley, Cooper, Cotton, Dunbar, Edwards, Foley, Foulke, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hutton, Lawrence, Lee, Leslie, Marshall, McAlister, Meeker, Millikin, Montgomery, Murray, Myers, Nelson, Norvell, Peak, Poulson, Proctor, Quick, Rand, Reed, Robinson of C., Robinson of R., Rooker, Saffer, Saunders, Shively, Shoup, Sinks, Stratton, Thompson of F., Townsend and Yocum.—60.

Those who voted in the negative were,

Messrs. Barnett of L., Bearss, Bradley, Brown of D., Chapman of L., Clark, Coon, Defrees, Ellis, Henley, Hoobler, Howard, Lingle, Marsh, May, Mitchell, Monroe, O'Neill, Rannells, Rawlings, Ritchey, Runyan, Sayler, Simonson, Snoddy, Snook, Thompson of N. and L., Tisdale, Warriner, Wines of A., Wines of V. and Mr. Speaker.—31.

So said amendments were concurred in.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Harris, a member :

Mr. SPEAKER :

I have been directed to inform the House of Representatives that the Senate has passed the following engrossed bill of the House of Representatives, to wit :

No. 360—an act for the relief of Sarah Smith, of Greene county without any amendment thereto.

A message from the Senate by Mr. Maguire their Secretary :

MR. SPEAKER :

The Senate has concurred in the amendment of the House of Representatives to the amendment of the Senate to bill of the House of Representatives, entitled,

No. 69—an act regulating the duties of clerks of the circuit courts and county auditors.

The Senate has concurred in the amendments made by the House of Representatives to the first amendment made by the Senate to bill of the House of Representatives,

No. 177—to repeal an act converting the sinking, saline, college, surplus revenue, and State Bank funds into bank stock; and has insisted on its second and fourth amendments, and receded from its third amendment, to the said bill.

On motion, the House refused to recede from its disagreement to said amendments.

Ordered, that the clerk inform the Senate thereof.

On motion,

The report of the committee of free conference, on the subject of the payment of the Bank debt, and the resumption of specie payments, and laid upon the table on yesterday, was now taken up—the question being, on concurring in the report of said committee.

Discussion arising thereon,

Mr. Marsh moved the previous question;

Which being taken, was put, to-wit :

Shall the main question be now put?

And decided in the affirmative.

On the question, Shall the report of the committee be concurred in, The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Chrisman, Clark, Cogswell, Cooper, Cotton, Davis of Floyd, Defrees, Ellis, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Matheny, McAllister, Meeker, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, Poulson, Proctor, Quick, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Wines of Allen and Wines of Vigo—54.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clements, Cooley, Coon, Devin, Dunbar, Foley, Garrigus, Gorman, Hannegan, Hendricks, Hutton, Lawrence, Lingle, Marsh, May, Milliken, Monroe, O'Neill, Peak, Rand, Ritchey, Saylor, Shively,

Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Williamson, Yocum and Mr. Speaker—36.

The following message was received from the Senate by Mr. Chamberlain, a member :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that they have passed a joint resolution entitled No. 228, "a joint resolution on the subject of the repeal of the bankrupt law," and respectfully ask the concurrence of the House thereto.

Said joint resolution was read a first time and passed to a second reading.

Mr. Norvell moved to reconsider the vote on concurring in the report of the committee of free conference relative to the payment of the bank debt and the resumption of specie payments.

Discussion arising thereon,

Mr. Bowers moved the previous question ;

Which being taken, to-wit :

Shall the main question be now put? was decided in the affirmative.

The main question, to-wit : Shall the vote on concurring in the report of the committee be reconsidered?

And the ayes and noes being demanded thereon by Messrs. Bowers and Norvell,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Brown of Dearborn, Chapman of Hancock, Chapman of Laporte, Clements, Cooley, Coon, Davis of Sullivan, Dunbar, Garrigus, Gorman, Hannegan, Hendricks, Henley, Hoobler, Hutton, Lawrence, Lingle, Marsh, May, Milliken, Monroe, Norvell, O'Neill, Peak, Ritchey, Saylor, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Yocum and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Marion, Chrisman, Clark, Cogswell, Cooper, Cotton, Davis of Floyd, Defrees, Devin, Edwards, Ellis, Foulk, Frink, Gilbert, Goodenow, Goodhue, Graham, Grover, Hackleman, Harding, Hodges, Howard, Lee, Leslie, Marshall, Matheny, McAllister, Meeker, Mitchell, Montgomery, Murray, Myers, Nelson, Poulson, Proctor, Quick, Rand, Rannels, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Saffer, Saunders, Sinks, Stratton, Tisdale, Townsend, Wines of Allen, and Wines of Vigo—57.

MR. SPEAKER :

The Senate has passed an engrossed bill thereof entitled, No. 239, an act for the relief of the borrowers of the sinking fund, surplus revenue and other funds, and for the better securing the payment thereof;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read a first and second times; when

Mr. Clark moved to strike out the word "five" and insert "three;"

Which motion did not prevail.

Mr. Henley moved to amend so that the interest on said funds shall be reduced to seven per cent.; when

Mr. Reed moved the previous question;

Which being seconded, was taken, to wit:

Shall the main question be now put?

And decided in the affirmative.

The main question, Shall the bill be engrossed for a third reading? was put and decided in the affirmative.

Said bill was then read a third time; when

Mr. Henley moved to commit it to a select committee with instructions to reduce the rate of interest to seven per cent.—pending which

Mr. Edwards moved the previous question;

Which being seconded, was put, to-wit:

Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Chapman of Hancock and Montgomery,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Cooley, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Defrees, Devin, Edwards, Ellis, Foley, Frink, Gilbert, Goodenow, Goodhue Gorman, Graham, Grover, Hackleman, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, Matheny, May, McAllister, Meeker, Milliken, Montgomery, Murray, Norvell, O'Neill, Peak, Poulson, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Runyon, Saffer, Saunders, Sayler, Shoup, Sinks, Snoddy, Snook, Stratton, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Williamson and Yocum—76.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Coon, Foulk, Garrigus, Hannegan, Henley, Monroe, Nelson, Rooker, Shively, Simonson, Warriner, Wines of Allen, Wines of Vigo and Mr. Speaker—15.

Mr. Gorman moved to take from the table

No. 60, an engrossed bill of the Senate to repeal so much of a law, passed February 15, 1841, as provides for converting the college fund into bank stock, and other matters therein contained;

Which motion prevailed.

Said bill was then read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Goodhue moved to take from the table and place on the files of the House

No. 214, a bill to amend an act to organise the militia of Indiana, approved February 10, 1836;

Which motion prevailed.

Mr. Hannegan, on leave, introduced

No. 409, a bill to reduce the interest on the surplus revenue, sinking fund, saline fund, school and college funds;

Which was read three several times (the rules being suspended); and on the question, Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Bowers and Montgomery,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bearss, Bradley, Brown of Marion, Butler, Chapman of Hancock, Chapman of Laporte, Chrisman, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Ellis, Foley, Garrigus, Gilbert, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hodges, Hoobler, Hutton, Lawrence, Lee, Lingle, Marshall, Matheny, McAllister, Meeker, Mitchell, Monroe, Murray, Myers, Nelson, Norvell, O'Neill, Proctor, Rannells, Reed, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Runyon, Sayler, Snoddy, Snook, Thompson of Fayette, Townsend, Warriner and Yocum—56.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Brown of Dearborn, Clark, Clements, Cooper, Cotton, Devin, Edwards, Foulk, Frink, Goodenow, Goodhue, Hackleman, Howard, Leslie, Milliken, Montgomery, Peak, Poulson, Quick, Rand, Rawlings, Saffer, Saunders, Shively, Simonson, Sinks, Stratton, Thompson of Noble, Tisdale, Williamson, Wines of Allen, Wines of Vigo and Mr. Speaker—34.

Mr. Ellis, on leave, introduced

No. 410, a bill to change the name of the town of Columbia in Tippecanoe county;

Which was read three several times (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Gorman moved to reconsider the vote on the passage of the bill

No. 364, a bill to authorise the building of a bridge over Laselle creek;

Which motion prevailed.

The question then recurring on the passage of the bill, it was decided in the affirmative.

Mr. Yocum introduced

No. 411, a bill empowering Henry Nelson and Mary M. Nelson, his wife, to convey real estate;

Which was read three several times (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Peak, on leave, introduced

No. 412, a bill to locate a certain road therein named;

Which was read three several times (the rules being suspended) and passed.

Mr. Davis of Floyd introduced

No. 413, a bill to authorise Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate;

Which was read three several times (the rules being suspended) and passed.

Mr. Yocum, on leave, introduced

No. 414, a bill attaching a part of Vigo county to the county of Clay;

Which was read a first and second times (the rules being suspended); when

Mr. Wines moved to lay [the bill] on the table; pending which,

On motion,

The House adjourned until half past six o'clock, P. M.

Half past 6 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Stratton presented the following protest, which was ordered to be spread upon the journal, to-wit:

The undersigned beg leave respectfully to enter their solemn protest against the passage of a bill, which was passed through this house, on the 20th day of January, 1842, entitled "a bill to pay the contractors on the Madison and Indianapolis railroad, (as they conceived) for divers good reasons of which the following are a part:

First. Because this work (having no more claims on the public than many others in the State,) has for some considerable length of time, been carried on with a most profuse expenditure, to the exclu-

sion of all others in the State, under the guise of the Madison company whilst going on, but when pay day comes, the State must foot the bill, for the very good reason as they say, of not having received state bonds under the contract between the State and said company; which contract seems to have been entered into, under an act entitled "an act providing for the further construction of the Madison and Lafayette railroad," approved, February 6th, 1839,—though it appears that in pursuance of said contract, by a report of Milton Stapp fund commissioner, on the 18th day of February, 1840, (he being the proper agent of the State at that time) made to the Senate, to the following enquiries put to him, to-wit:

"First. The names of all the banking institutions, companies, and individuals, who are now indebted to the State of Indiana, on account of state bonds sold for the prosecution of the Wabash and Erie canal, and system of internal improvements with the amount due from each.

2d. The per value of the stocks of the same and the present actual or market value thereof.

3d. The collateral security given by each with the par value of the same, and the present actual value thereof." He says "that the principal sums due, and to be due, from banking institutions, companies, and individuals, to the State of Indiana on contracts already made, are as follows:" after enumerating to No. 12, he says "No. 12. John Woodburn, Wm. Hendricks, V. & J. King, Geo. W. Leonard, \$400,040,00—" afterwards in same report on No. 12, he says—"No. 12 is secured by the bonds of the five gentlemen above named who are worth upwards of a half million of dollars, and pay tax on near six hundred thousand dollars. They gave as security the Madison Insurance company with a capitol of one hundred thousand dollars paid in, as also the Madison Savings Institution, the stockholders in which are individually bound for the contracts of the institution, and are worth at least six hundred thousand dollars," which seems to have been done in strict accordance with their contract and fulfilling the State's part of the contract, to the letter, except perhaps a small balance behind of the \$400,000,00 so issued at 88 cents to the dollar to make them at par value. From the conflicting reports made since that time by the fund commissioners, superintendents, &c., it appears to the undersigned that no one can arrive at any definite conclusion in regard to the management of said road with the aforesaid company and contractors.

Second. Because, after a full and impartial investigation before the last Legislature, of Jas. H. Hendricks's claim of \$26,000, which forms a part of the appropriation provided for in said bill, against which we protest, they came to the solemn conclusion that the Madison Company, and not the State of Indiana, were bound to pay him, and thereupon an act was passed and approved on the 13th day of February, 1841, directing him to collect it from said Madison Company, and from a report made to the present Legislature by N. Noble fund commissioner, it appears that said Hendericks has under said act commenced suit against said company in the Jefferson circuit court, and

it has not been officially made known to this house yet, but that by the injunction obtained against said company from the said court that he has made himself fully secure in his said claim.

Third. Because all the contractors who may claim under the provisions of this said bill, against which we protest, (though contracting with the State's agents and in the name of the State, as they were bound to do under the contract between the State and the Madison company) knew at the time, and whilst performing the labour on said road, that they were not to look to the State or her agents for their pay, but to the Madison Company alone, as will fully appear by the annual report of the board of Internal Improvements made to this house on the day of December, 1841, page 5, of said report. In speaking of said Madison and Indianapolis railroad and the contractors thereon, they say:

"With a view of guarding the contractors and others on this road, against every possible misunderstanding as to the source on which they were to rely for payment, the board on the 27th of May last, addressed to each contractor a letter of which the following is a copy:

"To contractors on the Madison and Indianapolis Railroad.

Although the board of Internal Improvements have heretofore given public notice by their order of the 11th of August last, and by their reports to the Legislature, that contractors on the Madison and Indianapolis railroad are to rely on no other means of payment than such as they may have secured to themselves by their contract or arrangement heretofore made between them and the company at Madison who purchased the bonds of the State for this road; yet it is deemed proper by the board to report this notice and to say in addition, to each contractor, that the State will be in possession of no means applicable to the contracts on this road, except as they may be furnished by the Madison company in payment for bonds sold them, and that for all work which may be performed, the contractors must look alone for the means of payment to their arrangement with said company."

Fourth. Because, the bill against which we protest was read through but once (except the title) in this house, and in less than thirty minutes after its first reading, it became the law of the land so far as this house could make it so, the rules being suspended and it having its two last readings by its title only, thereby preventing members to give it that kind of examination which is necessary for a bill of that importance these times of *"retrenchment and reform."*

Fifth. Because, admitting all the claims of said contractors were justly due and owing to them by the State, there is other claims against her of older dates which we all acknowledge to be just and should be paid, and which is acknowledged by all, cannot be met by her at this time, and some say never.

And last though not least. Because, the people and the Legislature for the last two or three years, have emphatically said *"no more appro-*

priations on any of the public works," and had the passage of this bill have been made a question, and advocated by us (the members of this house) before our *masters* (the people) previous to the first Monday of August last, we do verily believe that our places on this floor would now be filled with other, and we were going to say better men,—but we forbear.

January 25th, 1842.

DANL. STRATTON,
DANL. SINKS,
JOHN HODGES,
J. S. WILLIAMSON,
JOSEPH CHAPMAN of H.,
WILLIAM RANNELLS,
FREDERICK LESLIE,
JOHN THOMPSON,
MADISON MARSH.

The following message was received from the Governor by his private secretary Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed,

No. 269—an act to amend an act entitled "an act to fix the times of holding courts in the fifth judicial circuit," approved, January 30th 1841;

Which originated in the House of Representatives.

The House then proceeded to the consideration of bills on their third reading.

No. 96—A bill of the Senate, to amend an act entitled "an act prescribing the duties of county auditor, approved February 12, 1841;

No. 287—A bill further to amend an act relating to public roads and highways, approved February 17, 1828;

No. 120—A bill to amend the several acts in relation to the surplus revenue;

No. 128—A bill of the House, supplemental to an act entitled "an act to amend an act entitled "an act organizing circuit courts and defining their powers and duties, approved February 15, 1838;

No. 283—A bill to amend an act entitled "an act to provide for the sale of certain lands therein named;

No. 285—A bill to legalize a marriage therein specified;

No. 286—A bill to amend an act entitled "an act to amend an act to allow further time to the Lawrenceburgh and Indianapolis Railroad Company, to settle up and close their affairs, approved Feb. 18, 1840, approved, Feb. 4, 1841;

No. 292—A bill for the relief of the widow and heirs of John Reasoner, deceased;

No. 134—A bill of the Senate, amendatory of an act to organize,

probate courts, and defining the powers and duties of executors, administrators and guardians, approved Feb. 17, 1838;

No. 298—A bill of the House, prescribing the mode of levying and collecting township taxes in the county of Dearborn;

No. 91—A bill of the Senate, for the appointment of a commissioner to make deeds, and for other purposes;

No. 102—A bill to amend an act for the relief of the poor, approved Feb. 17, 1838:

No. 133—A bill to legalize the sale of a certain school section therein named;

No. 124—a bill authorizing the recorder of Noble county, to correct the record of said county in a certain case therein named;

No. 119—a bill to amend an act entitled "an act allowing and regulating the writ of ad quod damnum," approved December 20, 1823;

No. 135—a joint resolution in relation to the early settlement of this State;

No. 141—a bill for the relief of Erastus D. Townsend;

No. 177—a bill of the Senate to amend an act entitled "an act to incorporate the town of Wilmington, in Dearborn county;"

No. 184—a bill to vacate the town of New-Hartford, in the county of White;

No. 185—a bill of the Senate relocating a part of the old State road lying between the mouth of Bradbury's lane, on Middle Fork, and where it strikes the said road between sections 15, and 16, in Lancaster township, Jefferson county;

No. 383—a joint resolution for the liquidation of a claim of the late treasurer of State, for duties rendered, in relation to the Lawrenceburgh and Indianapolis Railroad Company;

No. 209—a bill to amend an act entitled "an act to establish certain State roads therein named, and for other purposes," approved Feb. 17, 1837;

No. 147—a bill to amend an act entitled an act to incorporate the Indiana Manufacturing company, approved February 17, 1838;

No. 373—a bill for the relief of the late collectors of State and county revenue;

No. 352—a bill appointing commissioners to locate and relocate State roads therein named;

Were severally read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

No. 319—a bill for the relief of the citizens of Hamilton county was read a third time and laid upon the table.

No. 354—a bill for the relief of David Nighy and Joel Lambert, was read a third time and laid upon the table.

The rules were now suspended for the purpose of introducing bills.

Mr. Henley introduced

No. 415—a bill for the relief of W. and G. Griffin and Morris Welch; which was read a first time; when

Mr. Norvell moved that said bill be rejected.

Discussion arising thereon,

Mr. Mitchell moved the previous question; when

On motion

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, JAN. 27, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

The following message was received from the Senate by Mr. Nave, a member:

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate has passed an engrossed bill thereof, to wit:

No. 240—an act to authorize the board of county commissioners of Hendricks county, to rescind an order by them heretofore made, in which the concurrence of the House is respectfully requested.

Said bill was read a first, second and third times (rules suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Gorman, on leave introduced the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed at 2 o'clock this day, 27th January, 1842, to the election of the several officers and agents on the several public works in the State, as provided in the law disposing of the public works to companies.

Mr. Hannegan moved to add the following:

"And of a commissioner on the Wabash and Erie canal west of Tippecanoe river;" which was adopted.

Mr. Robinson of C. moved to amend by inserting two o'clock P. M., to-morrow, as the time of going into the election;

Which motion did not prevail.

On motion of Mr. Goodhue, the resolution was laid upon the table.

Mr. Hannegan moved to reconsider the vote on a resolution, adopted a few days since, in regard to the introduction of new business; which was decided in the affirmative.

The resolution was then amended, so as to prevent any new business after twelve o'clock, M. on this day, and adopted.

Mr. Thompson of F. made the following report:

MR. SPEAKER :

The select committee appointed to enquire into, and report to this House in tabular form, the amount of state bonds sold for cash, if any; the amount sold on time for which the cash has since been received; the amount sold on time, for which no valuable consideration has been received; the amount hypothecated, and the terms of each sale and hypothecation, by whom, and to whom each sale and hypothecation was made; with a reference to the law if any, under which each sale and hypothecation was made. Also, an exhibit showing what part of the funds received has been expended for salaries and per diem allowances for officers and agents; what part for contingent expenses; and what part has been expended on the public works. The committee regret to find it out of their power from the documents within their reach, to make as minute a statement as was wished; but we have labored to discharge the duties assigned us as far as possible. It is believed by your committee, that from the result of the investigation conducted under the order of the two branches of the present General Assembly, in connection with the developements herewith communicated; the strong solicitude of the people, who have been sorely oppressed with onerous taxes, and have felt their pride and honor deeply wounded by finding their state credit prostrated abroad, and all their fond hopes of internal improvements blasted at home, will be reciprocated in a good degree, when they find that their present representatives have done all in their power to exhibit in the clearest manner, all the facts and circumstances which have in any way operated in producing the great reversion in the affairs of the finances of the State. This information the people have long been entitled to; this they have long expected, and if it had always fully been spread before them, your committee believe that the downward course of our credit would have been timely arrested, and our present financial condition would not now have been as gloomy and embarrassed as it is. Document A is an abstract, showing in tabular form the dates of the laws authorizing the sales of bonds—their date and amount—when reimbursable—to whom sold—rate of interest and sale—for what purpose sold—proceeds of the sales—the amount for which they were hypothecated—the amount received—the amount yet due—by whom sold or hypothecated, and the conditions thereof. This exhibit will show how the debt of the State has been contracted, and what amount of funds has been received for the different purposes contemplated, and what part has not been received.

Your committee will now lay before you as definite a statement of the manner in which the whole amount received has been expended, as they have been able to obtain. Which is as follows :

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Total expenditure, - - - - \$7,179,602 23

The amount received into the Wabash and Erie canal [fund] has been expended,

For construction of Wabash and Erie canal, including all expenses, - - - - \$2,028,000 794

ABSTRACT A.

Showing the dates of the laws authorizing the sales of Bonds, their date and amount, when reimbursable, to whom sold, rate of interest and sale, for what purpose sold, proceeds, amount received and amount yet due.

Date of law author- izing the loan.	Date of Bonds.	When reimburs- able.	Amount of the bonds.	To whom sold, &c.	Rate of interest.	Rate of sale.	For what purpose sold.	Proceeds of sale and amount for which hypothe- cated.	Amount received.	Amount yet due.	By whom sold.	Conditions.
Jan. 1832	1st July, 1832	1862 to 1885	\$100,000 00	J. D. Beers & Company,	6 per cent.	\$ 113 26	Wabash and Erie Canal,	\$113,260 00	\$113,260 00		Wm. C. Linton & N. McCarty,	Cash,
" 1834	" 1834	1854 to 1864	500,000 00	Prime, Ward & King,	5	101 05	State Bank,	505,250	505,250 00		Linton, McCarty and Sullivan,	"
1832, 1834	" Jan'y, 1835	1866 to 1886	300,000 00	same,	5	102 05	Wabash and Erie Canal,	306,150	306,150 00		McCarty, Sullivan and Hanna,	"
1834	" July, "	1866 to 1886	65,257 42	Secretary of War,	5	107	same,	69,825 44	69,825 44		same,	"
1834, 1835	" "	1866 to 1886	200,000 00	J. J. Cohen, jun. & Brother,	5	105	same,	210,000	210,000		same,	"
1834	" "	1855 to 1865	400,000 00	same,	5	104 50	State Bank,	418,000	418,000		same,	"
"	" "	" "	50,000 00	Prime, Ward & King,	5	104 50	same,	52,250 00	52,250 00		same,	"
1835	" "	1866 to 1886	40,000 00	same,	5	105	Wabash and Erie Canal,	42,000	42,000		same,	"
1835	" 1836	1866 to 1886	100,000 00	J. J. Cohen, jun. & Brother,	5	100	same,	100,000	100,000		Sullivan, Hanna and Coe,	Credit.
1835	"	1866 to 1886	2,742 58	Secretary of War,	5	107	same,	2,934 56	2,934 56		same,	Cash.
1834	"	1856 to 1866	440,000 00	Thos. Biddle & Co. & M. C. & B. Co.,	5	101	State Bank,	444,400 00	444,400 00		same,	Credit.
1836	"	1861	400,000 00	J. J. Cohen, jun. & Brother,	5	100	Internal Improvement,	400,000	400,000		same,	"
"	"	"	450,000 00	T. Biddle & Co., & M. Canal & B. Co.,	5	101	same,	454,500 00	454,500 00		same,	"
1835	"	1866 to 1886	139,000 00	same,	5	101	Wabash and Erie Canal,	140,390 00	140,390 00		same,	"
1836	"	1857	100,000 00	Lawrenceburgh & Indianapolis R. R. Co.	5	100	Law. & Indianapolis R. Road,	100,000	100,000		same,	"
1836	" 1837	1866 to 1886	30,000 00	Christmas Livingston & Company,	5	100	Wabash and Erie Canal,	30,000	30,000		Hanna, Coe and Smith,	Cash.
"	"	"	350,000 00	Morris Canal & Banking Company,	5	102	same,	357,000	357,000		same,	Credit.
"	"	1862	400,000 00	same,	5	100	Internal Improvement,	400,000	400,000		same,	"
"	"	"	1,050,000 00	same,	5	102	same,	1,071,000 00	1,071,000 00		same,	"
"	"	"	200,000 00	same,	5	103	same,	206,000	206,000		same,	"
"	" 1838	1857	121,000 00	Lawrenceburgh & Indianapolis R. R. Co.,	5	100	Law. & Indianapolis R. Road,	121,000	121,000		same,	"
"	"	1862	40,000 00	Staten Island Whaling Co.,	5	100	Internal Improvement,	40,000	40,000		Coe, Smith and Farrington,	"
"	"	"	300,000 00	Western Bank of New York,	5	100	same,	300,000	60,000	240,000 00	same,	"
"	"	"	100,000 00	Erie County Bank,	5	100	same,	100,000	100,000		same,	"
"	"	"	100,000 00	Detroit and Pontiac R. R. Co.,	5	100	same,	100,000	100,000	90,000	same,	"
"	"	"	60,000 00	Staten Island Whaling Co.,	5	100	same,	60,000	60,000		same,	"
"	"	"	1,000,000 00	Morris Canal and Banking Co.,	5 Sterling.	100	same,	1,000,000 00	1,000,000 00		same,	"
"	"	"	200,000 00	same,	5	90	same,	180,000	180,000		same,	"
1838	" Jan'y, 1839	1869 to 1889	400,000 00	same,	5	90	Wabash and Erie Canal,	360,000	207,724 20	152,275 80	same,	"
1836	"	1868 to 1874	1,000,000 00	same,	5 Ster.	98	State Bank,	980,000	20,000	960,000	S. Merrill,	"
1836	"	1863	800,000 00	same,	5 "	100	Internal Improvement,	800,000			Coe, Smith and Farrington,	"
"	"	"	200,000 00	same,	5 "	98	same,	196,000			same,	"
"	"	"	232,000 00	same,	5 "	88	same,	204,160 00	728,652 72	1,273,107 28	Stapp and Scott,	"
"	"	"	380,000 00	same,	5	88	same,	334,400 00			same,	"
"	"	"	190,000 00	same,	5	88	same,	167,200 00			same,	"
"	"	"	300,000 00	same,	5 Ster.	100	same,	300,000			same,	"
"	"	"	20,000 00	Binghampton Bank,	5	88	same,	17,600 00	17,600 00		same,	"
1839	"	1864	294,000 00	Branches of State Bank,	6	100	4th Inst. U. S. Surplus Rev.	294,000	294,000		same,	Advance.
1836	"	"	200,000 00	Merchant's Exchange Bank,	5	96	Internal Improvement,	192,000		192,000	same,	Credit.
"	"	"	35,000 00	Bank of Commerce,	5	96	same,	33,600 00		33,600 00	same,	"
"	"	"	47,000 00	Bank of North America,	5	88	same,	41,360 00	1,360 00	40,000	same,	"
"	"	"	221,000 00	Madison Company,	5	88	same,	194,480 00	194,480 00		same,	"
"	"	"	95,000 00	same,	5	88	same,	83,600 00	83,600 00		Stapp and Palmer,	"
"	" July, 1840	1865	32,000 00	R. D. Dodge,	5	88	same,	28,160 00		28,160 00	M. Stapp,	Washington Co. Bank paper.
"	" " "	"	30,000 00	Madison Company,	5	88	same,	26,400 00		26,400 00	same,	Credit.
"	" " "	"	100,000 00	M. B. Sherwood,	5	88	same,	88,000 00		88,000	same,	"
"	" " "	"	100,000 00	same,	5 Ster.	98	same,	98,000		98,000	same,	"
"	" " "	"	111,000 00	Morris Canal & Banking Company,	5	88	same,	97,680 00		97,680 00	same,	"
"	" " "	"	50,000 00	Bank Circleville,	5	88	same,	44,000 00		44,000	same,	"
1841	" " 1841	1843	27,000 00	Sundry individuals,	7	par	same,	27,000	27,000		N. Noble,	"
			\$12,102,000 00									

Amt. of bonds.	To whom.	By whom.	Amt. received.	Amount sold.	Amt. returned.	Balance.
\$544,000 00	N. Robinson & Co.,	M. Stapp,	\$131,132 62			
490,000 00	M. B. Sherwood,	same,	135,000 00			
35,000 00	Caman & Whitehouse,	same,	24,000 00	\$404,000 00	\$193,000 00	\$472,000 00
\$1,069,000 00			\$290,132 62	\$404,000 00	\$193,000 00	\$472,000 00

btw 6.12/6.13

The amount received into the internal improvement fund has been expended as follows:

On account of White-water canal,	\$1,087,700 94
" " Central canal,	1,385,528 88
" " Wabash canal,	388,461 74
" " Cross-cut canal,	407,579 13
" " Madison and Indianapolis railroad,	1,307,177 82
On account of Jeffersonville and Crawfordsville road,	363,441 50
On account of New Albany and Vincennes road,	640,176 84
On account of Erie and Michigan canal,	154,852 90
On account of Wabash river,	14,288 42
" " Indianapolis and Lafayette road,	68,146 20
General incidental expenses of the board of internal improvement—this includes the pay of the chief engineer and other engineers engaged on sundry lines, making maps, &c.; and the cost of instruments; also, the pay of the secretary of said board, with expenses of the office,	34,669 77
	<u>\$5,852,024 14</u>
Auditor's salary,	1,307 34
*Per diem and expenses of fund commissioners since February, 1836—six years,	9,101 99
Expenses of office, engraving and printing state bonds, counsel fees, collection and disbursement of public funds, &c.,	13,038 80
For survey of roads and canals,	22,641 50
" property received in compromise with the Messrs. Cohens and Josephs, including the amount of the indebtedness of the Cohens, and the mortgages, &c. paid,	274,753 35
Paid R. D. Owen, per special act of Legislature,	201 93
" interest on state bonds,	969,432 24
" for exchange,	37,100 93
Total expenditure,	<u>\$7,179,602 23</u>

The amount received into the Wabash and Erie canal [fund] has been expended,

For construction of Wabash and Erie canal, including all expenses, \$2,028,000 79

For interest on state bonds, 385,286 00
\$2,413,286 79½

*The per diem and expenses of each commissioner, making up this sum of \$9,101 99½, is as follows:

Jeremiah Sullivan,	\$51 64
Samuel Hanna,	253 26
Isaac Coe,	2,960 07
James Farrington,	535 22
Caleb B. Smith,	792 47
L. H. Scott,	949 48
M. Stapp,	2,125 60
N. B. Palmer,	300 00
George H. Dunn,	165 00
Noah Noble,	969 25
	<u>\$9,101 99</u>

All of which is respectfully submitted,
 WILSON THOMPSON, *Chairman.*

Mr. Davis of F. moved that the report be recommitted to the same committee; when

On motion

The report was laid upon the table.

Mr. Cooper presented two several petitions, of males and females, to repeal certain laws requiring negroes and mulattoes to give bond and security for their good behavior, &c.;

Which was laid upon the table.

Mr. Marshall, from the judiciary committee, reported back, without amendment, No. 158, of the Senate, a bill amendatory of the several acts in relation to crime and punishment.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Gorman made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill of the House entitled, a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Said bill, No. 175, was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gorman, from the judiciary committee, reported back, without amendment, No. 205, a bill of the Senate, amendatory of the act relative to crime and punishment;

Which was read a third time and indefinitely postponed.

Mr. Gorman, from the judiciary committee, reported back, without amendment, No. 401, a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Henley made the following report:

MR. SPEAKER:

The committee of free conference, appointed to take into consideration the disagreement of the two Houses on an amendment to the bill of the House authorising the issue of five dollar treasury notes, to be exchanged for fifty dollar [treasury notes,] report that they have agreed to recede from the disagreement of the House to the amendment of the Senate.

The report of the committee was concurred in and the committee discharged.

Mr. Brown of Dearborn, from the committee on the State Bank, reported back, without amendment, No. 197, a bill to provide for increasing the stock of the private stockholders in the South Bend Branch of the State Bank.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Rawlings made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Jackson county, praying to be attached to the county of Scott, have, according to order, had the same under consideration, and that, in consequence of the late period of the session when this subject was referred to them, and as the session is now about closing its deliberations, and Monday next fixed upon for adjournment *sine die*, your committee not having time to give the subject that due consideration which is at all times and on all subjects due from such respectable petitioners, they therefore ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Murray, on leave, introduced,

No. 416, a joint resolution to save thirty thousand dollars;

Which was read a first and second times and ordered to be engrossed.

Mr. Butler, on leave, introduced,

No. 417;

Which was read three several times and passed.
 Ordered, that the clerk inform the Senate thereof.
 Mr. Thompson of F., on leave, introduced,
 No. 418—a bill for the relief of David Sutton, sen'r.;
 Which was read a first time and passed to a second reading.
 Mr. Norvell, on leave, introduced the following report:

MR. SPEAKER:

The Auditor of State, in answer to a resolution of the House of Representatives, requesting that officer to "furnish the House with a statement of his fees and allowances the last year, for *furnishing* tract books to the several counties," after stating the sum paid to the several land offices for *procuring* the tract books, asserts that "*by the law*" he the Auditor, "is entitled to the *same amount*" for furnishing them to the different counties. That is, that by the law he is entitled to the enormous sum of \$2,282,29, as an equivalent for services which a mere copyist might perform in sixteen months.

The committee are not aware of the existence of any law that will at all warrant such a claim. The Auditor has cited none; and if by referring to the joint resolution approved 13th February, 1841, to be found on page 221, of the local laws, he means that that is the law which sustains him in his claim, the committee have no hesitation in saying that it does no such thing.

The joint resolution with its *title*, reads as follows:

A joint resolution to amend a joint resolution relative to the Auditor of Public Accounts, approved February 9th, 1831.

"*Be it resolved by the General Assembly of the State of Indiana*, That the Auditor of State be and he is hereby directed to procure new and complete tract books, for the counties and parts of counties embraced in the Indianapolis, Crawfordsville, Jeffersonville and Cincinnati districts, early enough for the use of the appraiser of each county during the present year if possible; the necessary expenses thereof to be liquidated as provided for in the joint resolution to which this is an amendment."

The resolution on its face merely directs the Auditor to procure the tract books early enough for the use of the appraisers in that year, if possible; and provides that the *necessary expenses thereof* "should be liquidated as provided for in the joint resolution" to which that was called an "amendment."

In giving construction to the resolution, so far as the Auditor's claim is involved, the first thing to ascertain is, what is meant by the expression "necessary expenses thereof." In this the committee see no difficulty of interpretation. The expression itself is so plain, and unambiguous, that it seems to them, no other idea is conveyed but the one, to-wit: *the expenses of procuring the tract books*.

The committee feel at liberty to insist that in arriving at the meaning of the phrase "necessary expenses thereof," it is not only unnecessary, but would be improper to refer to the resolution of 1831.

So far as regards the point at present under discussion, that resolution can shed no light. It is to be sure proper and indispensable to be referred to, for the purpose of ascertaining *how* those "necessary expenses" are to be paid, or in the language of the resolution how "liquidated."

By the resolution of 1831, the Auditor was authorized to draw upon the *contingent fund* for the *amount necessary* to procure from the proper department the tract books, maps, &c. By the resolution of 1841, "the *necessary expenses thereof*" were to be *liquidated as provided for in the joint resolution of 1831*. The two resolutions therefore, excepting so far as the mode and means of payment of "necessary expenses" are concerned, have nothing to do with each other. The resolution of 1831 can in no sense determine what are "necessary expenses" under that of 1841.

It does not follow, that because the resolution of 1831 expressly gave to the Auditor for *copying and transmitting the tract books* to be then procured under its requirements, the same compensation as was allowed for the original, payable out of the same fund, that therefore the resolution of 1841, gives him like compensation.

It might be logical enough to say it should be so; and were the question submitted to the committee to determine the expediency of reporting a bill on the subject, they would accord to the argument, all the weight to which they considered it entitled.

But they have a different duty to perform, that of determining, as far as they are capable, whether "by the law" as it now stands, the Auditor is entitled to the \$2,282,39 he claims, or to any portion of it. That he is not thus entitled, the committee consider they have satisfactorily demonstrated by the law itself.

In the view they have thus taken of the subject, the committee do not consider that they have, by any means, exhausted the arguments in favor of the construction which they have felt bound to give to the resolution of 1841.

By the act of 4th February, 1841, entitled "an act regulating the salaries of Auditor, Secretary, and Treasurer of State," it is enacted that "the Auditor shall receive an annual salary of \$1000; also the sum of \$400 for clerk hire, payable quarterly." (See acts 1841, page 132.)

The fourth section of the act provides that "the salaries of Auditor, Treasurer, and Secretary, as provided in the foregoing sections, shall be in full compensation for their respective services, including clerk hire; and that they shall do and perform all the duties now enjoined on them by law, and be subject to such alterations as may from time to time be made by the Legislature."

The 6th section repeals all laws and parts of laws coming within the purview of that act.

For a full understanding of the above cited act, it is only necessary to recall to mind the emergency which demanded its enactment. Years previously to its passage, the salaries of these same officers had been "fixed," but year after year, perquisite upon perquisite had been

added, under the pretext of compensating them for additional services, until to ascertain, or even approximate the amount that either of them actually received annually, was to enter upon a labyrinth that no one could thread.

This was one of the evils, and perhaps a main one, that the act fixing the salaries was designed to eradicate permanently. All perquisites, from the State especially, were intended to be forever cut off, and in accordance with this view, the act provides that in case of the Secretary of State, all the fees that he was, or might be entitled to under any law for copying records, making certificates, affixing the State seal, &c., should no longer be, as they have before been, for his own individual emolument, but should be paid over by him quarterly to the Treasurer of State.

The history of legislation on this topic is so recent that it seems to the committee almost incredible to suppose, that a public officer, whose perquisites were so directly affected by the act referred to, should imagine for a moment, that his selfish interest had notwithstanding been so magically and brilliantly subserved, as to give him *three year's salary, for one year's services*.

The committee feel assured that the legislature of last winter never intended so preposterous a thing as to annul nearly all they had just perfected, by an instance of liberality to one of the State officers so culpable and unconscionably lavish. And looking at the title of the resolution, which it seems is intended to be stretched to dimensions broad enough to cover the auditor's capacious wishes, the committee are constrained to the opinion, that its paternity may be legitimately traced to that secret machinery, which sometimes, for selfish ends, sets legislation in motion.

It is passing strange that without any necessity or even propriety, the resolution of 1841 should be called "an amendment" of another, which had been totally defunct for the space of ten years; which, brought into existence for a limited and temporary purpose, had spent its whole force and vitality on the object for which it was especially designed; why then was the resolution of 1841 wedded to this dead body?

The allusion to this circumstance, may be considered in some sort, as a small matter, but light substances indicate the course of the wind. The resolution is itself a small one, but if it be pregnant with as much as the auditor contends it is, then verily it is much in a little.

The committee would ask, if nothing covert, nothing unfair was at the bottom of this resolution of 1841, why was it, at all, allied to that of 1831, and especially by a *misnomer*? The answer is obvious. Had it contained *on its face*, as did the one of 1831, a provision giving to the auditor the same amount for *copying the tract books*, that he might pay for them to the land offices, its defeat would have been certain.

Indeed it is questionable whether, right on the heels of the act fixing the salaries, any member of either House could have been induced to present a resolution having in it such a provision. Hence in urging the necessity of procuring new tract books, the grand object, the per-

quisite, must be concealed; and hence too the course to be pursued in legislating on the subject, must be a tortuous one.

The committee disclaim all intention to arraign the conduct of the legislature in regard to this matter. Indeed, so far as the law making power is concerned, they can discover in their action nothing to censure, excepting perhaps a pardonable carelessness in allowing that to be called "an amendment" which was not so, and thereby affording to the auditor a seeming pretext for his groundless demand.

Nor is it surprising that the resolution was not more carefully examined. For although it did purport to be an "amendment," it merely proposed to authorize what was apparently quite proper—the procuring of *new tract books*. How the necessary expenses thereof should be liquidated was doubtless considered immaterial, and therefore the title was an object of no particular attention at that time; nor would it be so now, nor its paternity suspected, but for the startling construction which the auditor has seen fit to give it.

If the mode of legislation on any given subject be prompted by an officer, and any seemingly equivocal phrase or provision in it is afterwards so construed by him as to enable him to profit largely by the construction, it seems to the committee that the inference is irresistible that *he created the supposed uncertainty for his own benefit*.

In conclusion, the committee regard the auditor's claim as totally unauthorized by law, unjust and unconscionable.

MINORITY, { R. G. NORVELL, Ch'm.
J. GARRIGUS.

The other portion of the committee consisting of Mr. Robinson of Carroll, J. Edwards and E. Murray dissenting from the above report.

Extract from Committee's minutes.

January 26, 1842.—The select committee met—present R. G. Norvell, chairman; E. Murray, J. Garrigus, and John Edwards.

Question 1st.—What time would it have required to copy the *tract books* (as authorized by law) of the following districts, to wit: Indianapolis, Crawfordsville, Jeffersonville and Cincinnati?

Answer.—We do not know positively, but *think* that the labor to be performed would require the services of one clerk about 16 months.

Question 2d.—What would be a just compensation for the same, according to the compensation received by yourselves?

Answer.—At the rate received by us, the work would cost about \$300. We do not, however, think that amount a fair compensation for the services performed and yet to be performed. We *think* that at the rate of \$2 per township, which would be a fair compensation per township, and supposing there to be between 400 or 450 townships, the whole amount of labor necessary to be performed, at that rate (\$2,00) would be worth about \$900.

JAMES G. JORDAN,
M. SELDEN WARD.

Said report was read and laid upon the table.

Mr. Chapman of L. introduced

No. 419—A bill to amend an act entitled "an act relative to practice in circuit courts, approved Feb. 18, 1839;

Which was read three several times (rules suspended) and passed.

Ordered that the clerk inform the Senate thereof.

On motion of Mr. Speaker Davis, (Mr. Graham in the chair,) the following resolution was adopted:

Resolved, That Tunis Quick be permitted to draw his pay for the entire session.

Mr. Barnett of M. on leave introduced

No. 420—A bill to amend an act incorporating congressional townships, and providing for public schools therein;

Which was read a first and second times, and laid upon the table.

Mr. Henley introduced

No. 421—A bill to correct a misprint, and to extend the time for completing the public printing, ordered by the present Legislature;

Which was read three several times (rules suspended,) and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate has receded from its amendment to bill of the House,

No. 91—An act to amend an act entitled "an act to authorize the payment of contractors on the Wabash and Erie Canal, east of the mouth of the Tippecanoe river" approved, Feb. 15, 1841;

The Senate insist on their disagreement to the amendment of the House, to bill of the Senate,

No. 114—An act reorganizing the first judicial circuit, and fixing the times of holding courts therein, and for other purposes;

And have appointed Messrs. Harris and Gregory, a committee of free conference, on the part of the Senate, to act with a similar committee on the part of the House, to take into consideration the subject matter of the disagreement between the two Houses.

On motion, the House continues to insist on its amendment and Messrs. Robinson of C. and Grover be appointed a committee of free conference on the part of the House.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate continue to insist on their second and fourth amendments to bill No. 177 of the House, entitled an act converting the sinking, saline, college, surplus revenue and State Bank funds into bank stock; and have appointed Messrs. Parker and Collins a committee of free conference on the part of the Senate to act in conjunc-

tion with a similar committee on the part of the House of Representatives to take into consideration the disagreement between the two Houses in relation to the second and fourth amendments of the Senate to the said bill.

On motion,

The House refuses to recede from their disagreement to said second and fourth amendments.

Messrs. Henley and Gorman are appointed a committee of free conference on the part of the House.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 346—an act to prevent the use or adoption of the County Seminary in Franklin county as a district school house, and for other purposes;

No. 322—an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

No. 311—an act to incorporate the Hoosier Company of Clark county;

No. 345—an act to authorize the children of Joseph Richardville to inherit the property of their ancestors;

No. 280—an act relative to the board of commissioners in Knox county;

No. 362—an act supplementary to an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, approved Feb. 6, 1837;

No. 297—an act for the location of a state road in the county of Brown;

No. 339—an act to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein.

No. 290—an act to provide for the election of an additional justice of the peace in Silver Creek township, Clark county;

No. 341—an act for the benefit of a private school in Marion county;

No. 320—an act to locate a state road in Clay county;

No. 275—an act to amend an act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, Washington county;

No. 224—an act to amend an act concerning insane persons, approved June 22, 1818;

No. 221—an act to amend an act entitled an act to establish seats of justice in new counties, approved January 14, 1824;

No. 225—an act for the election of a justice of the peace in St. Louis, Bartholomew county;

- No. 214—an act to amend an act locating a certain state road therein named ;
- No. 218—an act to amend an act entitled an act to incorporate the trustees of the Daviess County Seminary ;
- No. 220—an act declaring a certain name a misprint, and for other purposes ;
- No. 248—an act to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837 ;
- No. 256—an act provide for a state road therein named ;
- No. 363—an act to exempt the lands of revolutionary soldiers from taxation ;
- No. 314—an act changing the time of holding probate courts in Clay county ;
- No. 326—an act for the relief of the late collectors of the State and county revenue of Orange county for the years 1839 and 1840.
- No. 368—an act to provide for the assessor of the county of Harrison to qualify ;
- No. 312—an act to direct the fencing of the grave yard on the poor farm in Marion county ;
- No. 316, an act to amend an act entitled “an act to provide for the mode of doing township business in Miami county ;
- No. 337, an act to authorise John Bates and Juno Ball to build a mill dam across the Little St. Joseph river in De Kalb county ;
- No. 233, an act authorising the board of county commissioners of Kosciusko county to rescind an order by them made ;
- No. 240, an act authorising the administrator of Matthew H. Kempton to bring certain suits in Orange county ;
- No. 351, an act for the relief of the school commissioner of Greene county ;
- No. 359, an act to amend an act incorporating the city of Logansport, approved February 17, 1838 ;
- No. 331, an act to incorporate the Jefferson fire engine and hose company No. 1 ;
- No. 323, an act to amend an act entitled, an act to provide for a more uniform mode of doing township business in the several counties therein named ;
- No. 340, an act for the relief of the late collector of Fayette county ;
- No. 254, an act to declare a certain state road in Wabash county a state road ;
- No. 263, an act for the relief of John Tate ;
- No. 278, an act to provide for the partition of the real estate of Joseph M’Allister, late of Vanderburgh county, deceased ;
- No. 244, an act to legalise the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county ;

- No. 343, an act appointing bridge commissioners in the counties of Perry and Spencer, and defining their duties ;
- No. 313, an act regulating the jurisdiction of the justices of the peace in Spencer county ;
- No. 380, an act to authorise the boards doing county business in the counties of Warrick and Spencer to appoint viewers to view a state road from Boonville to Maksville ;
- No. 315, an act to extend the provisions of an act for the preservation of sheep to the county of Delaware ;
- No. 386, an act to regulate the duties of justices of the peace and constables in Shelby county ;
- No. 385, an act for the location of a state road in Kosciusko county, and for other purposes ;
- No. 227, an act to regulate the summoning of petit jurors in Dearborn county ;
- No. 288, an act to incorporate the New Albany patent bagging manufacturing company ;
- No. 289, an act for the relief of John Brown ;
- No. 325, an act concerning the Union county seminary ;
- No. 347, an act to amend the act supplemental to an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or Masonic lodges, approved February 10, 1831.
- The Senate has also passed engrossed bills of the House of Representatives, with amendments, entitled as follows :
- No. 87, an act supplemental to an act to authorise certain persons therein named to erect a dam across the East Fork of White river in Lawrence county ;
- No. 182, an act to amend an act entitled “an act prescribing the duties of county auditors,” approved February 12, 1841 ;
- No. 273, an act to vacate part of Grimes’ addition to the town of Delphi, Carroll county ;
- No. 324, an act for the relief of Abraham Perkins, collector of the state and county revenue for the county of Daviess in the year 1840 ;
- No. 333, an act to change the mode of doing county business in the county of Washington ;
- No. 334, an act declaring a county road a state road in the counties of Owen, Clay, Putnam and Clark.
- In which amendments I am directed to ask the concurrence of the House.
- The Senate has passed engrossed bills thereof entitled as follows, viz :
- No. 222, an act to relocate a certain road in Daviess county ;
- No. 223, an act to keep in repair the Cumberland and Michigan roads ;
- No. 235, an act supplemental to an act entitled an act to relocate part of a state road therein named, and for other purposes ;
- No. 236, an act in relation to district schools in Orange county ;

No. 241, an act to authorise the opening of a certain alley in the town of Indianapolis;

No. 237, a joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives;

No. 229, an act for the relief of Paris C. Dunning, assignee of Michael Treith.

In which several bills and joint resolution the concurrence of the House of Representatives is respectfully requested.

The amendments to bills of the House, mentioned in the message, numbered 87, 182, 273, 324, 333 and 334, were severally concurred in.

Engrossed bills of the Senate Nos. 223, 235, 236, 229, were severally read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 222, mentioned in the message, was read a first and second times (the rules being suspended) and referred to a select committee of Messrs.

No. 241, a bill to authorise the opening of an alley in the town of Indianapolis, was read a first time; when

Mr. Ellis moved that said bill be rejected;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Bearss, Brown of Dearborn, Chapman of Laporte, Clements, Davis of Floyd, Edwards, Ellis, Frink, Goode-now, Graham, Hackleman, Hodges, Howard, Marshall, Meeker, Montgomery, Murray, Proctor, Quick, Rannells, Rawlings, Reed, Runyon, Saunders, Sinks, Stratton, Thompson of Fayette, Tisdale, Warriner and Williamson—32.

Those who voted in the negative were,

Messrs. Barnett of Montgomery, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Clark, Cogswell, Cooley, Coon, Cooper, Davis of Sullivan, Dunbar, Foley, Garrigus, Gilbert, Goodhue, Gorman, Gro-ver, Hannegan, Henley, Hoobler, Hutton, Lawrence, Lee, Leslie, Lin-gle, Marsh, Matheny, May, M^cAllister, Milliken, Mitchell, Myers, Nor-vell, O'Neill, Poulson, Rand, Ritchey, Robinson of Carroll, Robinson of Rush, Saffer, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Towns-end, Wines of Allen, Wines of Vigo, Yocum and Mr. Speaker—51.

[A message from the Senate by Mr. Maguire, their secretary:]

MR. SPEAKER:

The Senate has appointed a second committee of free conference, consisting of Messrs. Read and Collins, to take into consideration, in conjunction, with a similar committee which they request may be appointed on the part of the House of Representatives, the subjects

matter of disagreement between the two Houses in relation to the bill of the House No. 44, for the relief of the borrowers of the surplus revenue and other funds.

Messrs. Henley and Gorman were appointed a committee on the part of the House.

Ordered, that the clerk inform the Senate thereof.

Said bill passed to a second reading to-morrow.

No. 237, mentioned in the message, was read a third time (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Henley made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the Senate for the relief of John Rodolph Fishli, have directed me to report it back to the House with one amendment, in which they ask the concurrence of the House and recommend the passage of the bill.

Said report was concurred in and the amendment ordered to be en-grossed for a third reading.

Mr. Edwards, on leave, introduced

No. 421, a bill to locate a certain state road therein named

Which was read a first and second times; and,

On motion of Mr. Leslie,

Laid upon the table.

Mr. Henley, on leave, introduced

No. 422, a bill to correct a misprint, and to extend the time for com-pleting the public printing ordered by the present Legislature;

Which was read three several times, (the rules being suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

Mr. Chapman of Laporte, on leave, from the judiciary committee, reported back to the House, with an amendment,

No. 365, a bill of the House, amendatory of the several acts regu-lating foreign and domestic attachments.

Said amendment was concurred in and the bill read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

On motion of Mr. Grover,

A petition heretofore laid upon the table was taken up and referred to a select committee.

Mr. Henley, on leave introduced

No. 423, a bill to amend an act entitled an act in relation to county auditors;

Which was read three several times (rules being suspended) and passed.

Mr. Coon, on leave, introduced;

No. 424, a bill to relocate the seat of justice of Pulaski county;

Which was read a first and second times (rules being suspended) and referred to a select committee of Messrs. Coon, Sayler and Bradley.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Warriner introduced

No. 425, a bill to repeal the 13th section of an act therein named, so far as relates to the counties of Porter and Lake;

Which was read three several times (rules being suspended) and passed.

Mr. Dunbar introduced

No. 426, a joint resolution to provide for a reference or determination of the liability of the State to the unpaid contractors on the Madison and Indianapolis railroad;

Which was read three several times (rules being suspended) and passed.

Mr. Cleinents made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the Senate No. 222, entitled a bill to relocate a certain road therein named, have had the same under consideration, and ask leave to make the following report:

Your committee find, in referring to an act to amend an act entitled an act relating to public roads and highways, approved February 17, 1838, that a public notice is required to be given by written advertisements, posted up in three or more of the most public places in the vicinity of such proposed location, change or vacation, at least twenty days prior to the forwarding of such petition. Your committee have no legal evidence that such notice has been given, but think the deficiency can be remedied by amending the bill. The committee, therefore, offer the following amendment and recommend its passage.

Said amendment was concurred in and the bill read a third time and passed.

Mr. Brown of Marion, from the select committee, to which was referred bill of the Senate No. 131, amendatory of the acts now in force,

on the subject of notaries public, reported the same back with amendments, which were concurred in.

Said bill was then read a third time; when

Mr. Chapman of Laporte moved to recommit the same to the same committee, with instructions to abolish the office of notary public;

Which motion did not prevail.

On the question, Shall said bill pass? it was decided in the affirmative.

No. 382, a bill relative to Knox county seminary, was read a second time; when

Mr. Gorman moved that said bill be indefinitely postponed;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Chapman of Laporte, Cooley, Defrees, Dunbar, Foley, Gilbert, Goodenow, Gorman, Hackleman, M'Allister, Meeker, Quick, Rand, Rannells, Rawlings, Ritchey, Robinson of Rush, Saunders, Sayler, Shively, Simonson, Snoddy, Stratton, Warriner and Williamson—25.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Brown of Dearborn, Butler, Chapman of Hancock, Clark, Clements, Cogswell, Coon, Cooper, Davis of Floyd, Davis of Sullivan, Edwards, Ellis, Frink, Garrigus, Graham, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, May, Mitchell, Montgomery, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Reed, Robinson of Carroll, Saffer, Shoup, Sinks, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Wines of Allen, Wines of Vigo and Yocum—57.

On the question, Shall the bill be engrossed for a third reading?

The ayes and noes being demanded thereon by Messrs. Myers and Ritchey,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bradley, Brown of Dearborn, Brown of Marion, Butler, Clark, Clements, Cooper, Davis of Sullivan, Ellis, Graham, Grover, Hannegan, Harding, Hodges, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, Mitchell, Montgomery, Murray, Myers, O'Neill, Peak, Poulson, Robinson of Carroll, Saffer, Sinks, Wines of Allen, Wines of Vigo and Yocum—37.

Those who voted in the negative were,

Messrs. Chapman of Laporte, Cogswell, Cooley, Davis of Floyd, Dunbar, Edwards, Foley, Frink, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Hackleman, Hendricks, Henley, Hoobler, Marsh, May, McAllister, Meeker, Milliken, Monroe, Nelson, Norvell, Proctor, Quick, Rand, Rannells, Rawlings, Reed, Ritchey, Rooker, Runyon, Saunders, Sayler, Shively, Shoup, Simonson, Snoddy, Stratton, Thompson of Noble, Tisdale, Warriner and Williamson—44.

Mr. Howard moved to take from the table

No. 19—a bill relating to interest on money and amendatory of the acts on that subject ;

Which motion prevailed.

On the question, shall the bill be engrossed ?

The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Barnett of L., Bowers, Bradley, Brown of D., Chapman of L., Chrisman, Clark, Coon, Edwards, Goodenow, Goodhue, Graham, Hackleman, Hendricks, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Montgomery, Myers, Proctor, Quick, Rand, Rannells, Rawlings, Runyan, Saffer, Saunders, Simonson, Sinks, Thompson of N., Williamson, Wines of A., and Mr. Speaker.—36.

Those who voted in the negative were,

Messrs. Barnett of M., Brown of M., Butler, Chapman of H., Clements, Cogswells, Cooley, Cooper, Davis of S., Dunbar, Ellis, Foley, Frink, Garrigus, Gilbert, Gorman, Grover, Hannegan, Harding, Henley, Hodges, Marshall, Matheny, May, McAlister, Meeker, Milliken, Mitchell, Monroe, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Reed, Ritchey, Robinson of C., Rooker, Sayler, Shively, Shoup, Snoddy, Stratton, Townsend, Warriner, Wines of Vigo and Yocum.—49.

Mr. Robinson of R. made the following report:

MR. SPEAKER :

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following entitled bills and joint resolutions:

No. 90—an act to repeal an act entitled an act to authorize Thomas S. Hinde to establish a ferry therein named, approved January 19, 1841 ;

No. 92—an act to prevent the further sale or hypothecation of Indiana state bonds by any fund commissioner or other agent of the State;

No. 98—an act to amend an act entitled an act to incorporate the

the city of Richmond, Wayne county, Indiana, approved February 24th, 1840 ;

No. 104—an act to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State ;

No. 112—a joint resolution authorizing the distribution of the revised laws of 1838 to Randolph county ;

No. 113—a joint resolution of the Legislature of the State of Indiana, in relation to Indiana University ;

No. 116—an act concerning criminal practice ;

No. 115—an act to vacate certain lots in the town of Edinburgh, in Johnson county ;

Mr. Marshall, on leave introduced

No. 427—a bill to provide for the liquidation of the claims for work done on the Madison and Indianapolis railroad ;

Which was read a first time and passed to a second reading.

Mr. Milliken, on leave introduced

No. 428—a bill for the relief of the purchasers of the 16th sections of Congressional townships, and for the better securing the payment thereof ;

Which was read three several times (rules suspended) and passed.

Mr. Leslie moved to take from the table

No. 421—a bill to locate a certain state road therein named ;

Which motion prevailed ; the question being on the engrossment of the bill

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Bearss, Chapman of H., Clark, Clements, Davis of F., Edwards, Ellis, Foley, Graham, Hackleman, Hannegan, Howard, Lawrence, Lee, Meeker, Milliken, Montgomery, Myers, Proctor, Quick, Rannells, Rawling, Reed, Robinson of C., Shively, Sinks, Tisdale, Wines of V.—28.

Those who voted in the negative were,

Messrs. Bowers, Brown of D., Brown of M., Butler, Chapman, Chrisman, Cogswell, Cooley, Coon, Davis of S., Dunbar, Frink, Garrigus, Gilbert, Goodhue, Gorman, Grover, Harding, Henley, Hodges, Hutton, Leslie, Marshall, May, McAlister, Mitchell, Monroe, Murray, Nelson, O'Neill, Peak, Rand, Robinson of R., Rooker, Runyon, Saffer, Sayler, Simonson, Snoddy, Stratton, Townsend, Thompson of N., Wines of A., Yocum.—44.

Mr. Hendricks, on leave, introduced

No. 430—A bill extending the right of petition, &c. to householders, within the town of Shelbyville, in Shelby county ;

Which was read twice, and,

On motion,

Laid upon the table.

Mr. Hendricks made the following report:

MR. SPEAKER:

The committee on ways and means, to which was referred "the petition of sundry citizens of Clark county, praying that the law licensing retailers of spirituous liquors be so amended as to require the applicant for such license to procure the recommendation of a majority of the citizen householders of the town or township in which he proposes to retail, before such license shall be granted," have instructed me to report—that in the opinion of the committee, any attempt to regulate this matter by law, farther than the present statute on that subject, would endanger the very object of the petitioners. We know comparatively very little, only as we learn it from the past. Intuitively we know nothing, and all attempts to regulate the morals of a country by human authority farther than to protect virtue and punish vice, must be unavailing. Frequent changes of the laws under which we live, give to the body politic a restless spirit, and like too much law, must be deleterious; hence it is true that that government is best which governs least. The people now know what our laws are regulating the sale of ardent spirits, and may be regarded as approving them, and your committee cannot concede that the petition above referred to, although respectable both in names and numbers, is sufficient of itself to demand a change of statute. However much intemperance is to be deplored as not only a State, but a National evil, and as one which endangers our institutions—one over which the patriot and moralist mourns, as of a fearful portent, yet learning from the past, the true friend of reformation in this particular should beware, lest he give a wrong touch to the ark. The fifteen gallon law of Massachusetts, although originating in the purest motives of patriotism and benevolence, was the result of misdirected zeal in a good cause, and was followed by a desolating reaction, in part indeed, brought about by a Boston demagogue, whose memory must rot, yet whose doings in this particular must live long after him, to the great injury of future generations.

Human enactment cannot control the morals, or render orthodox the religion of a country, but should protect both; for in proportion as morals are lax, will the laws be vague, vicious and disregarded.

But while the committee cannot concur in the prayer of the petitioners, yet they dare not refuse to concur in what should be the wishes of every lover of his country, that the entire disuse of intoxicating drinks should obtain throughout the entire length and breadth of our country. We are not wanting in valor, or powers to repel a foreign foe, for here, the hearts of the people are united, but a subtle enemy may be coiling around our dearest liberties, with such gradual and imperceptible approach as hardly to alarm the most fearful, and yet be in the very gates of the citadel. Sufficient then is it, that the committee throw its entire testimony in favor of the patriotic exer-

tions of those who by kind treatment—moral persuasion—administering to the wants and alleviating the woes of the fallen victims of intemperance, are subserving our country's best good without asking the strong arm of civil power to control the appetite, where the assent of the will is wanting.

The committee have trespassed on your patience and the time of the House more than at first sight may seem to be due, but when it is remembered that much time in future may be redeemed from useless legislation by making known to the country the sentiments of at least one branch of the law-making power, and on a subject too which has not much occupied legislative attention; and this at a time too when the friends of total abstinence are seeing and acknowledging former errors, the reason will, we trust, be obvious.

An influence goes out from legislative halls which is not negative in its character, neither is it at all times found in the laws we make, but in the sentiments we utter, and in the examples we give, and when from high places the spirit of kindness is taught and the tear of pity commended, the moral effect produced, will greatly surpass all that the lash of the law could do. Whilst it is indeed most rational that any citizen asking for the benefits of an exclusive privilege, should first obtain the consent of a majority of those who are to be benefited or injured, yet it is also true to the life, that the price of liberty is eternal vigilance; and when, as in the present instance, majorities having the power in their own hands do not protect themselves, the fault is not with the legislature. Respectfully submitted.

Said report was laid upon the table.

Bills were now taken up on their third reading.

No. 214—A bill of the Senate, entitled an act to amend an act entitled an act to organize the militia of Indiana, approved Feb. 10, 1836, was read a third time and passed.

No. 356—A bill to improve the breed of cattle and horses, approved Feb. 15, 1838, was read a third time and laid upon the table.

Mr. Dunbar introduced

No. 431—A bill supplemental to "an act to provide for distributing so much of the surplus revenue, as the state of Indiana may be entitled to &c.;

Which was read three several times (rules suspended,) and passed.

No. 378—A bill for the relief of W. W. Reed,

Was read a second time.

Mr. Henley introduced

No. 432—A joint resolution for the relief of Hugh O'Neal,

Was read a first second and third times (rules suspended) and passed.

Mr. Gorman [from committee of] free conference, made the following report:

MR. SPEAKER:

The committee of free conference appointed to take into consideration, the disagreement between the Senate and House, in relation to

a bill of the House No. 177, entitled an engrossed bill to repeal an act converting the sinking, college, saline, surplus revenue, and state bank funds into bank stock, have had the same under consideration and the House have receded from their disagreement to the 2d and 4th amendment of the Senate, and ask the concurrence of the House.

Said report was concurred in.

The Speaker laid before the House a communication from Morris Morris Auditor of Public Accounts, in reference to the report of the select committee, on the subject of compensation for tract books;

Which was read and laid upon the table.

No. 378—a joint resolution defining certain duties of the Auditor and Treasurer of State, and providing for the manner of distributing Wabash canal land scrip;

Was read a second and third times and passed.

No. 189—a bill for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased;

Was read a second and third times and passed.

No. 190—a bill to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

Was read a first and second times (rules suspended) and passed.

Mr. Gorman made the following report:

MR. SPEAKER:

The committee of conference appointed to take into consideration the disagreement between the Senate and House of Representatives in relation to bill of the House, No 44, entitled "a bill for the relief of the borrowers of the surplus revenue and other funds," have met and agreed, that the interest on the surplus revenue fund and college fund, shall be reduced to seven per cent. and on the common school fund to eight per cent. and ask the concurrence of the House of Representatives therein, and add the following:

SEC. — And that all laws passed at this session authorizing a greater rate of interest than seven per cent. on the college and surplus revenue fund, and eight per cent. on the common school fund, be, and the same are hereby suspended.

Said report was concurred in by the House.

No. 199—a bill of the Senate, for the location of a certain state road therein named;

Was read a second time, and ordered to be engrossed.

No. 216—a bill for the better regulation and management of certain trust funds loaned by authority of the State;

Read a second time and laid on the table.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, Jan. 28, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, entitled as follows viz:

No. 375—an act making general appropriations for the year 1842, without amendment;

No. 376—an act making specific appropriations for the year 1842, with several amendments, in which the concurrence of the House of Representatives is respectfully requested.

The 1st and 2d amendments to said bill, were concurred in.

The 3d amendment of the Senate, striking out the appropriation of fifty dollars each, to Oliver H. Smith and William Quarles, for prosecuting a suit, on behalf of the State, against Bolton & Livingston, was disagreed to.

Mr. Goodhue moved to amend the amendment, by striking out "four dollars,"—the allowance to the clerk of the Investigating committee of the Senate, and inserting "three dollars;"

Which motion prevailed.

The 4th, 5th, 6th, 7th, 9th, and 10th amendments, were concurred in.

The 8th and 11th amendments, were not concurred in.

The 12th amendment was concurred in with an amendment, by inserting, "by attestation or affidavit."

Mr. Henley moved to amend the amendment of the Senate, by adding the following:

"That the editors of the Indiana Journal and State Sentinel be each allowed the sum of one hundred and forty-seven dollars, for papers contracted for by the Sergeant at Arms for the use of the members of the House of Representatives;" also, that D. Miller be allowed seventeen dollars thirty-seven and a half cents, for stationery;

Which was adopted.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Baird, a member, announced the passage of a bill of the Senate No. 242, a bill providing for the appointment of a State Attorney General for one year, and defining his duties;

Which was read a first and second times; and,

On motion,

Laid upon the table.

On motion of Mr. Hannegan, The House took from the table a resolution in relation to the elec-

tion of certain officers. The resolution was so amended as to fix the time of holding said election on this day, at two o'clock, when it was adopted.

Messrs. Simonson and Hackleman were appointed tellers on the part of the House.

Ordered, that the clerk inform the Senate thereof.

No. 414, a bill attaching a part of Vigo county to the county of Clay, was read a third time, and on the question, Shall the bill pass? it was decided in the affirmative.

Mr. Myers, on leave, introduced the following resolution, which was adopted:

Resolved, That the Hon. John Ewing, late member of Congress from Indiana, be invited to take a seat within the bar of this House during his visit to this place.

No. 415, a bill for the relief of W. & G. Griffin and Morris Welch was read a second time; when

Mr. Chapman of Hancock moved that said bill be laid upon the table;

And the ayes and noes being demanded thereon by Messrs. Chapman of Hancock and Garrigus,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Brown of Dearborn, Butler, Chapman of Hancock, Cooley, Cooper, Cotton, Davis of Floyd, Davis of Sullivan, Edwards, Ellis, Foley, Foulk, Frink, Garrigus, Graham, Hackleman, Hodges, Hoobler, Howard, Hutton, Lee, Leslie, Lingle, Marsh, May, Meeker, Monroe, Montgomery, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rannels, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Saylor, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Tisdale, Townsend, Williamson, Yocum and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bradley, Brown of Marion, Chapman of LaPorte, Chrisman, Clark, Clements, Cogswell, Coon, Dunbar, Goodhue, Gorman, Grover, Harding, Hendricks, Henley, Lawrence, Marshall, Matheny, McAllister, Milliken, Quick, Rawlings, Reed, Ritchey, Robinson of Rush, Thompson of Fayette and Wines of Vigo—27.

No. 232, a bill to provide for opening and repairing roads and highways in the counties of Gibson and Pike was read a second and third times (the rules being suspended) and passed.

Mr. Hendricks moved to take from the table

No. 430, a bill extending the right of petition, &c. to householders within the town of Shelbyville, Shelby county;

Which motion did not prevail.

No. 241, of the Senate, a bill to authorise the opening of a certain alley in the town of Indianapolis, was read a second time;

When Mr. Stratton proposed the following amendments; which were adopted, to-wit:

Strike out of the 1st section the words following: "immediately after the passage of this act."

Strike out of the second section the following: "Out of any funds belonging to the Indianapolis fund not otherwise appropriated;" and insert in lieu thereof the following: "By the petitioners, and that the damages be determined as in this bill provided, and paid over to the proper person before said alley shall be opened."

Mr. Brown of Marion then moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

The following message was received from the Governor, by his private secretary, Mr. Kiersted:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that on this day he approved and signed the following act:

No. 223, an act to provide for the continuance of the construction of all or any portion of the public works of this State, by private companies, and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer;

Which originated in the House of Representatives.

No. 237, a joint resolution of the Senate providing for the preservation of the manuscript journals of the Senate and House of Representatives;

Which was read a second and third times (the rules being suspended) and passed.

No. 191, a bill of the Senate, to legalise the acts and proceedings of the board doing county business in the county of Tippecanoe, and for other purposes, was read a second time and ordered to be engrossed for a third reading.

No. 416, a joint resolution to save thirty thousand dollars, was read a third time, and on the question, Shall the bill pass? it was decided in the negative.

No. 426, a joint resolution to provide for a reference or determination of the liability of the State to the unpaid contractors on the Madison and Indianapolis Railroad, was read a second and third times; when

Mr. Bradley moved that said joint resolution be indefinitely postponed;

And the ayes and noes being demanded thereon by Messrs. Hodges and Bradley,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Chapman of Hancock, Cooley, Cotton, Davis of Sullivan, Edwards, Foley, Garrigus, Graham, Hodges, Hoobler, Howard, Leslie, Lingle, May, Mitchell, Monroe, Nelson, Norvell, O'Neill, Peak, Poulson, Rand, Rannells, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Shively, Simonson, Sinks, Snoddy, Snook, Stratton, Wines of Allen, Yocum and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Cogswell, Coon, Cooper, Dunbar, Ellis, Foulk, Frink, Gilbert, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Hutton, Lawrence, Lee, Marsh, Marshall, Matheny, McAllister, Meeker, Milliken, Montgomery, Murray, Myers, Proctor, Quick, Rannells, Rawlings, Reed, Ritchey, Sayler, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner and Williamson—54.

On the question, Shall said bill pass?

The ayes and noes being demanded thereon by Messrs. Bearss and Runyon,

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Brown of Marion, Butler, Chapman of Laporte, Chrisman, Clark, Clements, Coon, Cooper, Dunbar, Ellis, Frink, Gilbert, Goodhue, Gorman, Grover, Hackleman, Hannegan, Harding, Hendricks, Henley, Lawrence, Lee, Marsh, Marshall, Matheny, McAllister, Meeker, Milliken, Mitchell, Murray, Myers, Proctor, Quick, Rawlings, Ritchey, Robinson of Rush, Sayler, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Williamson and Wines of Allen—45.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Chapman of Hancock, Cooley, Cotton, Davis of Sullivan, Deming, Edwards, Foley, Foulk, Garrigus, Graham, Hodges, Hoobler, Howard, Hutton, Leslie, Lingle, Matheny, Monroe, Montgomery, Nelson, O'Neill, Peak, Poulson, Rand, Rannells, Reed, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Townsend, Yocum and Mr. Speaker—46.

The following message was received from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate reciprocate the resolution of the House of Representatives providing for proceeding at two o'clock, P. M., to the election of a commissioner on the Wabash and Erie canal west of Tippecanoe river, and the several other officers mentioned therein, and have appointed Messrs. Carnan and Morgan tellers on the part of the Senate.

No. 228, a joint resolution on the subject of the repeal of the bankrupt law, was read a second time, and on the question, Shall said bill be engrossed for a third reading?

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butler, Chapman of Hancock, Chrisman, Cooley, Coon, Cooper, Davis of Sullivan, Dunbar, Edwards, Garrigus, Gilbert, Graham, Henley, Hutton, Lawrence, Leslie, Lingle, Matheny, McAllister, Milliken, Monroe, Nelson, O'Neill, Poulson, Rand, Ritchey, Rooker, Saffer, Sayler, Shoup, Simonson, Snook, Thompson of Noble, Warriner, Yocum and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Chapman of Laporte, Clark, Clements, Cogswell, Cotton, Deming, Ellis, Foley, Foulk, Frink, Goodhue, Grover, Hackleman, Hannegan, Harding, Hodges, Hoobler, Howard, Lee, Marsh, Marshall, Meeker, Montgomery, Murray, Myers, Peak, Proctor, Quick, Rannells, Rawlings, Reed, Robinson of Carroll, Robinson of Rush, Runyon, Saunders, Shively, Sinks, Snoddy, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—49.

No. 427—A bill to provide for the liquidation of the claims for work done on the Madison and Indianapolis Railroad,

Was read a second time; when

Mr. Stratton moved the following amendments.

Add the following sections.

SEC. 3. The estimates, the payments of which are provided for in this bill, in all shall not exceed sixty-nine thousand dollars, with not exceeding eight per cent interest per annum thereon.

SEC. 4. Said company shall keep a fair and accurate account of all the receipts and expenditures on said road, and report the same to the Treasurer of State annually on the first Monday in December. *Provided*, That said company shall pay to said contractors, not less than ten thousand dollars each year.

SEC. 5. The State hereby reserves to herself the right of regulating the tolls and providing generally for the supervision of said road, and at any time after two years, shall have the right to take back the same from said company by providing for the payment of said contractors, not exceeding the \$69 000 aforesaid.

Add the following proviso to the end of the fifth section.

Provided, That the amount paid to contractors under the provisions of this act shall be taken and deemed to be a part of the \$400 000 heretofore appropriated specially on this road, and should said estimates, together with what the Madison Company has heretofore received on said \$400 000 amount to more than said appropriation, said Madison Company shall be liable to the state for such overplus, to be recovered against them by action of debt or on the case.

Mr. Chapman of H. moved that said bill and amendments be laid upon the table;

Which motion prevailed.

No. 418—A bill for the relief of David Sutton Sr. was read a third time and passed.

No. 212—A bill to facilitate proceedings in actions at law,

Was read a third time, and lost upon the question of its passage.

No. 201—A bill to amend an act entitled "an act for the relief of John Rodolph Fishli, approved Feb. 18, 1839,

Was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

No. 390—A bill to authorize the construction of a Railroad in the Northern part of the State,

Was read a third time; when,

Mr. Robinson of Carroll moved to recommit with instructions that the provisions of this bill be extended to any associations that may organize for the purpose of improving the Michigan road;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Bowers, Chapman of Hancock, Chrisman, Davis of Sullivan, Edwards, Foley, Garrigus, Grover, Hendricks, Hoobler, Lee, Matheny, Milliken, Mitchell, Murray, Nelson, Rand, Rannells, Rawlings, Robinson of Carroll, Robinson of Rush, Sayler, Simonson, Snoddy, Snook, Stratton, Williamson, Wines of Allen Yocum and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Bearss, Bradley, Brown of Dearborn, Brown of Marion, Butler, Chapman of Laporte, Clark, Clements, Cogswell, Cooley, Cooper, Davis of Floyd, Defrees, Deming, Dunbar, Goodhue, Gorman, Graham, Hackleman, Hannegan, Harding, Hodges, Lawrence, Leslie, Marsh, Marshall, McAlister, Meeker, Monroe, Montgomery, Myers, Poulson, Proctor, Quick, Ritchey, Rooker, Runyon, Saffer, Saunders, Shively, Shoup, Sinks, Thompson of Fayette, Tisdale, Townsend, Warriner and Wines of Vigo—45.

The question recurring on the passage of the bill,

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bradley, Brown of Marion, Chapman of Hancock, Chapman of Laporte, Clark, Defrees, Deming, Foulk, Gilbert, Gorman, Grover, Hannegan, Harding, Hodges, Lee, Marsh, Marshall, Murray, Myers, Rand, Rannells, Reed, Robinson of Rush Runyon, Sinks, Thompson of Noble, Tisdale, Townsend, Warriner, Williamson, Wines of Allen and Wines of Vigo—34.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bowers, Brown of Dearborn, Butler, Clements, Cogswell, Cooley, Coon, Davis of Sullivan, Dunbar, Edwards, Foley, Garrigus, Goodhue, Graham, Hackleman, Hendricks, Henley, Hoobler, Hutton, Lawrence, Leslie, Matheny, May, McAlister, Meeker, Nelson, Peak, Poulson, Proctor, Quick, Rawlings, Ritchey, Robinson of Carroll, Rooker, Saffer, Saunders, Sayler, Shively, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, and Yocum—48.

Mr. Hannegan moved that 1,000 copies of a portion of the evidence of Nicholas McCarty not printed in the pamphlet of evidence, be printed for the use of the House;

Which motion prevailed.

No. 296—A bill to erect that part of the town of Charlestown, Clark county, south-west of Walnut-street into an independent principality:

Was read a third time and laid upon the table.

No. 353—A joint resolution authorizing the Board of Internal Improvement to settle with H. & R. Stewart and William Jackson;

Was read a third time, and on the question, Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Goodhue and Robinson of Carroll,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Laporte, Clark, Clements, Cogswell, Davis of Floyd, Davis of Sullivan, Defrees, Deming, Dunbar, Ellis, Frink, Gilbert, Gorman, Grover, Hannegan, Harding, Henley, Hodges, Hoobler, Lee, Marsh, Marshall, McAlister, Meeker, Milliken, Murray, Nelson, Quick, Rand, Ritchey, Robinson of Rush, Thompson of Fayette, Tisdale, Warriner, Williamson, Wines of Allen and Wines of Vigo—43.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Chapman of Hancock, Cooley, Coon, Cooper, Edwards, Foley, Garrigus, Goodhue, Graham, Hutton, Leslie, Lingle, Matheny, May, Mitchell, Montgomery, Peak, Poulson, Proc-

tor, Rannells, Rawlings, Reed, Robinson of Carroll, Rooker, Runyon, Saffer, Saunders, Shively, Simonson, Sinks, Snoddy, Thompson of Noble, Townsend and Yocum—34.

No. 117—A bill for the more effectual suppression of extortion,
Was read a third time and lost on the question of its passage.

No. 241—A bill to subject equitable interest in real property and choses in action to the payment of debts,

Was read a third time, when,

Mr. Hannegan moved that said bill be laid upon the table;

And the ayes and noes being demanded thereon by Messrs. Hackleman and Foley,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Brown of Dearborn, Chapman of Hancock, Clements, Cogswell, Cooley, Coon, Ellis, Foley, Frink, Garrigus, Gilbert, Grover, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, McAllister, Monroe, Murray, Nelson, Norvell, O'Neill, Peak, Poulson, Proctor, Rand, Rawlings, Reed, Ritchey, Robinson of Carroll, Rooker, Saffer, Shively, Shoup, Simonson, Sinks, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Yocum and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Bradley, Brown of Marion, Chapman of Laporte, Chrisman, Clark, Cooper, Davis of Floyd, Deming, Dunbar, Edwards, Foulk, Goodhue, Gorman, Graham, Hackleman, Marshall, Matheny, Meeker, Milliken, Mitchell, Montgomery, Quick, Rannells, Robinson of Rush, Runyon, Sayler, Tisdale, Townsend, Williamson and Wines of Vigo—29.

No. 199—A bill for the location of a certain State road therein named;

Was read a third time and passed.

A message from the Senate by Mr. Gregory a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bill thereof, to-wit:

No. 242—An act fixing the time of holding courts in the first judicial circuit;

In which the concurrence of the House is respectfully requested.

Said bill was then read a first, second and third times (rules suspended) and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Hannegan offered the following resolution, which was unanimously adopted, to-wit:

Resolved, That the thanks of this House be unanimously tendered

to the Hon. John W. Davis for the ability, dignity and impartiality with which he has discharged the duties of Speaker at the present session.

The amendment of the Senate to the amendment of the House, mentioned in the message, was agreed to.

On motion,

The House insists on their disagreement to the 3d and 8th amendments of the Senate and to their amendment to the 12th amendment of the Senate.

Messrs. Henley and Brown were appointed a committee of free conference on the part of the House.

Mr. Henley moved further to amend by adding the following, which was adopted:

"That Samuel Lewis be allowed the sum of four hundred dollars, it being the amount paid him as commissioner of the Wabash and Erie Canal for clerk hire, out of the internal improvement fund."

Ordered that the Senate be informed thereof.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

No. 191—A bill to legalize the acts and proceedings of the board doing county business in the county of Tippecanoe;

Which was read a third time and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Robinson of Carroll moved to reconsider the vote on the engrossment of the joint resolution relative to a repeal of the general bankrupt law;

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Butler, Chapman of Hancock, Chrisman, Cooley, Coon, Davis of Sullivan, Dunbar, Edwards, Garrigus, Gorman, Graham, Hendricks, Henley, Hutton, Lawrence, Leslie, Lingle, Marshall, Matheny, May, McAllister, Milliken, Mitchell, Nelson, O'Neill, Peak, Poulson, Rand, Ritchey, Robinson of Carroll, Sayler, Shoup, Simonson, Snook, Thompson of Fayette, Thompson of Noble, Warriner, Yocum and Mr. Speaker—41.

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Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Bradley, Chapman of Laporte, Clark, Clements, Cooper, Cotton, Defrees, Ellis, Foley, Foulk, Frink, Goodenow, Goodhue, Hackleman, Hannegan, Harding, Hodges, Hoobler, Lee, Marsh, Meeker, Montgomery, Murray, Myers, Proctor, Quick, Rannels, Rawlings, Reed, Robinson of Rush, Runyon, Saunders, Sinks, Snoddy, Stratton, Tisdale, Townsend, Williamson, Wines of Allen and Wines of Vigo—43.

Mr. Marshall, on leave, introduced the following resolution, which was adopted, to-wit:

Resolved, That the Senate be invited to attend *instantly* in the Hall of the House of Representatives for the purpose of going into the election of a commissioner on the Wabash and Erie Canal west of Tippecanoe river, and the several officers and agents on the several public works in the State, as provided in the law disposing of the public works to companies, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the Hall of the House and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker;

When, both Houses proceeded on joint ballot to the election of a commissioner of the Wabash and Erie Canal west of the mouth of the Tippecanoe river.

On counting the first ballot, it appeared that

William J. Ball received	90 votes.
Arthur Patterson "	39 "
L. B. Wilson "	14 "
Blank	1 "

William J. Ball having received a majority of the whole number of votes given, was declared by the President of the Senate, in the presence of both Houses, duly elected commissioner of the Wabash and Erie Canal west of the mouth of Tippecanoe river, to serve as such for the term of two years.

Both Houses then proceeded, in like manner, to the election of a commissioner of the Wabash and Erie Canal east of the Tippecanoe river.

On counting the first ballot, it appeared that

Stearns Fisher received	69 votes.
Chauncey Carter "	55 "
James Bradley "	19 "
Blank	1 "

No person having received a majority of the whole number of votes given, both Houses, in like manner, proceeded to a second balloting.

On counting the votes it appeared that

Stearns Fisher received	80 votes.
Chauncey Carter "	58 "
James Bradley "	11 "
Blank	4 "

Stearns Fisher having received a majority of the whole number of votes given, was declared duly elected.

Both Houses proceeded, in like manner, to the election of Agent of State, to take the place of Fund Commissioner.

On counting the first ballot it appeared that

Michael G. Bright received	81 votes.
John Law "	60 "
Blank	4 "

Michael G. Bright having received a majority of the whole number of votes given, was declared duly elected for the term of two years.

Both Houses then, in like manner, proceeded to the election of agent on the Madison and Indianapolis Railroad.

On counting the first ballot, it appeared that

Homer Johnson received	83 votes.
Wm. J. McClure "	41 "
G. W. Branham "	18 "
Blank	3 "

Homer Johnson having received a majority of the whole number of votes given, was declared duly elected for the term of two years.

Both Houses then, in like manner, proceeded to the election of agent on the White Water Canal.

On counting the first ballot, it appeared that

Philip Mason received	53 votes.
Joel Palmer "	56 "
J. W. Fisher "	16 "
Thomas Tyner "	15 "

No person having received a majority of the whole number of votes given, both Houses in like manner, proceeded to a second balloting.

On counting the votes, it appeared that

Philip Mason received	71 votes.
Joel Palmer "	65 "
Thomas Tyner "	2 "
Blank	2 "

Philip Mason having received a majority of the whole number of votes given, was declared duly elected for the term of two years.

Both Houses then, in like manner, proceeded to the election of an agent on the New Albany and Vincennes road.

On counting the first ballot, it appeared that

Henry Turner received	- - - - -	63 votes.
John Frazier	" - - - - -	46 "
John Wise	" - - - - -	32 "
Blank	- - - - -	1 "

No person having received a majority of the whole number of votes given, both Houses proceeded in like manner, to a second balloting.

On counting the votes, it appeared that

Henry Turner received	- - - - -	74 votes.
John Frazier	" - - - - -	64 "

Henry Turner having received a majority of the whole number of votes given, was declared duly elected for the term of two years.

The Senate then retired to their chamber; and

Mr. Robinson made the following report :

MR. SPEAKER :

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives and find the same correctly enrolled, to wit:

No. 223—an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer.

The joint committee on enrolled bills report that they did on this day, present to his Excellency the Governor for his approval and signature, the foregoing bill.

Mr. Brown of M. made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the following enrolled with the engrossed bills and find them truly enrolled.

No. 196—an act amendatory to an act entitled an act to provide for the settlement of accounts of commissioners of the three per cent. fund in the several counties, approved February 4, 1839;

No. 11—an act for the better security of the college and seminary funds, arising from the lands in Gibson and Monroe counties;

No. 152—an act to incorporate the trustees of the New Albany Theological Seminary;

No. 220—an act regulating the jurisdiction of justices of the peace in the county of Jay;

No. 149—an act to amend an act relating to public roads and highways, approved February 17, 1838.

No. 137—an act incorporating the Vincennes Historical and Antiquarian Society;

No. 193—a joint resolution on the subject of bank directors;

No. 127—an act to vacate part of the town of Crawfordsville;

No. 219—an act to amend an act entitled an act to provide for the improvement of the Michigan [road,] approved February 14, 1841;

No. 143—an act to amend an act entitled an act to incorporate the Vevay and Napoleon turnpike company, approved February 8, 1836;

No. 186—an act to legalize the acts of the president and trustees of the town of Greencastle;

No. 266—an act to provide for selecting petit jurors in Laporte county;

No. 259—to confine the voters of Hamilton, Steuben, DeKalb, Union, Franklin, St. Joseph and Cass counties to their respective townships, and for other purposes;

No. 226—an act to amend an act entitled an act declaring Patoka a public highway, and for other purposes, approved January, 27, 1841;

No. 202—an act to vacate Duret street in Godfroy's addition to the town of Peru;

No. 45—an act to provide for the collection of the State and county revenue of Vanderburgh and Perry counties for the year 1841;

They have also presented to his Excellency the Governor for his signature the foregoing bills.

The following message was received from the Senate by Mr. Maguire, their secretary :

MR. SPEAKER :

The Senate has passed engrossed bills of the House of Representatives, without amendment entitled as follows, viz :

No. 236—a joint resolution designating the same day throughout the United States for the election of President and Vice President.

No. 373—an act for the relief of the late collectors of state and county revenue.

The Senate has also passed an engrossed bill thereof, entitled No. —a bill providing for the appointment of a State Attorney General and defining his duties :

In which the concurrence of the House of Representatives is requested.

MR. SPEAKER :

The Senate has concurred in the report of the committee of free conference appointed to take into consideration the disagreeing vote between the two Houses in relation to the bill of the House No. 44, entitled "an act for the relief of the borrowers of the surplus revenue and other funds."

Mr. Cotton made the following report:

Mr. SPEAKER :

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled, to wit :

No. 169—an act to incorporate the Indianapolis, Crawfordsville and Lafayette turnpike company;

No. 192—an act to vacate a certain state road in the county of St. Joseph;

No. 193—an act for the relief of Elizabeth Ann McConnelly alias Elizabeth Ann Wolmer;

No. 182—an act to legalize the election of trustees in the town of Vevay, Indiana;

No. 202—an act to authorize the board of trustees of the county of Tippecanoe to sell and convey certain real estate therein named;

No. 153—an act authorizing the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal;

No. 234—an act to provide for the survey of the town of Perrysville, in Vermillion county;

No. 187—an act declaring a certain word a misprint and for other purposes relative to the county of Orange.

Mr. Norvell made the following report :

Mr. SPEAKER :

The committee on enrolled bills have compared the enrolled with the engrossed, to wit :

No. 307—an act for the relief of purchasers of lands at school commissioners' sale in St. Joseph county;

No. 367—an act to regulate the jurisdiction and duties of justices of the peace in Lawrence county, and amendatory of the act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17th, 1838;

No. 277—an act to provide for the preservation of the southern division of the central canal;

No. 93—an act to fix the time of holding the Marion circuit court;

No. 321—an act to give corporate powers to the county of Brown;

No. 340—an act for the relief of the late collector of Fayette county;

No. 370—a joint resolution on the subject of improving the navigation of the western rivers.

No. 304—an act relative to a dam and lock in Elkhart river in the county of Elkhart;

No. 197—an act fixing the time of holding courts in the fourth judicial circuit and for other purposes;

No. 369—an act to amend an act entitled "an act to revise and amend an act incorporating Congressional townships and providing for public schools therein;

No. 227—an act to regulate the summoning petit jurors in Dearborn county;

No. 325—an act concerning the Union County Seminary;

No. 315—an act to extend the provisions of an "act for the preservation of sheep," approved January 25th, 1841.

No. 386—an act to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, and to secure the observance of the 103d section of said act.

No. 385—an act to locate a state road therein named, and for other purposes;

No. 380—an act authorizing the board doing county business in the counties of Warrick and Spencer to appoint viewers, to view a road from Boonville to Mackville;

No. 368—an act to provide for the assessor of the county of Harrison to qualify;

No. 254—an act to declare a certain road in Wabash county a state road.

No. 244—an act to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue deposited in said county;

No. 263—an act for the relief of John Tate;

No. 313—an act regulating the jurisdiction of justices of the peace in Spencer county;

No. 346—an act to prevent the use or adoption of the county seminary in Franklin county as a district school house, and for other purposes;

No. 322, an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh, sold for taxes;

No. 230, an act to authorize the board of county commissioners of Kosciusko to rescind an order by them made;

No. 337, an act to authorize John Bates, J. & A. Ball and Company to build a mill dam across the little St. Joseph river, in DeKalb county;

No. 289, an act for the relief of John Brown;

No. 345, an act to authorize the children of Joseph Richardville to inherit the property of their ancestors;

No. 312, an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 175, an act to change the mode of selecting jurors in Lawrence county, and for other purposes.

On motion the House adjourned till to-morrow morning, 9 o'clock,
A. M.

SATURDAY MORNING, JAN. 29, 1842.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Brown of M. presented the petition of sundry citizens of Marion county, praying that more effective measures be taken in the amendment of the law, relative to negroes and mulattoes; which was read and laid upon the table.

Mr. Brown of Marion made the following report:

MR. SPEAKER:

The committee to which was referred a joint resolution of the Senate, number 174, a joint resolution suspending the operation of a certain section of an act therein named, have had the subject under consideration and have directed me to report the same back to the House and recommend that it be laid on the table, for the reason that the section of the act which the joint resolution proposed to repeal was a local act, but since the passage of this resolution, the provisions of the section have been made a general law;

Which was concurred in by the House, and the resolution laid upon the table.

Mr. Goodhue made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred the report of the Vernon Savings Institution, have directed me to report the same back to the House, and recommend that it be laid on the table.

Said report was concurred in by the House.

Mr. Ritchey made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a communication from John Hunter of Lawrence county, in relation to a certain school district therein named, have examined the subject and report that it is inexpedient to legislate on the subject.

Said report was concurred in and the committee discharged.

On motion of Mr. Brown of Marion, No. 241, of the Senate, to provide for opening an alley in Indianapolis, was taken from the table.

The pending amendment was concurred in; and on the question, Shall the bill be engrossed for a third reading?

The ayes and noes were demanded thereon.

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Chapman of Hancock, Clark, Cogswell, Cooper, Dunbar, Ellis, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Harding, Hendricks, Henley, Hoobler, Lawrence, Lee, Leslie, Marshall, Matheny, M'Allister, Meeker, Milliken, Mitchell, Myers, Proctor, Quick, Rand, Rawlings, Ritchey, Robinson of Carroll, Robinson of Rush, Rooker, Sayler, Thompson of Fayette, Townsend, Wines of Vigo and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bearss, Bowers, Clements, Cooley, Coon, Edwards, Foley, Garrigus, Hodges, Howard, Hutton, Lingle, May, Nelson, O'Neill, Peak, Rannels, Runyon, Saunders, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of Noble, Williamson, Wines of Allen and Yocum—31.

Said bill was read a third time and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate:

MR. SPEAKER:

I am instructed by the Senate to inform the House that they have passed engrossed bill of the Senate No. 345, entitled an act relative to the coroner of Martin county, in which the concurrence of House of Representatives is respectfully requested.

Which bill was read a first and second times and laid upon the table.

Mr. Chapman of Laporte made the following report:

MR. SPEAKER:

The committee of free conference appointed to take into consideration the disagreement between the two Houses, in relation to bill of the Senate No. 31, entitled "a bill applying certain funds to purposes of education," have had the same under consideration and have agreed to the Senate bill with the following proviso attached to the fifth section.

Said report was concurred in by the House.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed, with an amendment, an engrossed bill of the House of Representatives entitled,

No. 352, an act appointing commissioners to locate and relocate state roads therein named;

In which the concurrence of the House of Representatives is respectfully requested.

Said amendment was concurred in.

A message from the Senate by Mr. Maguire, their secretary.

MR. SPEAKER :

The Senate has passed engrossed bills of the House of Representatives entitled as follows, without amendment, viz :

No. 285, an act to legalise a marriage therein specified ;

No. 286, an act to amend an act entitled an act to amend an act to allow further time to the Lawrenceburgh and Indianapolis Railroad Company to settle up and close their affairs, approved February 18, 1840, approved February 4, 1841 ;

No. 292, an act for the relief of the widow and heirs of John Reasoner, deceased ;

No. 294, an act for the benefit of Blackford county ;

No. 372, an act to authorise the collection of state revenue in those counties which have failed to assess and collect the same for the year 1841 ;

No. 373, an act to amend an act entitled an act concerning Knox county, approved January 28, 1839 ;

No. 377, an act relative to the duties of Auditor and Treasurer of State ;

No. 383, a joint resolution for the liquidation of a claim of the late Treasurer of State for duties rendered in relation to the Lawrenceburgh and Indianapolis Railroad Company ;

No. 392, an act to incorporate the Rushville Band ;

No. 394, an act to relocate part of a state road therein named ;

No. 397, an act to change part of a state road in Greene and Monroe counties ;

No. 400, an act to legalise the change of the name of the town of Camden in Jay county ;

No. 401, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties therein named ;

No. 404, an act vacating the town of Osceola in St. Joseph county ;

No. 403, an act repealing the 33d section of an act therein named ;

No. 405, an act to vacate the town of Castleton in White county ;

No. 408, a joint resolution on the subject of a lunatic asylum ;

No. 410, an act to change the name of the town of Columbia in Tippecanoe county ;

No. 412, an act to locate a certain road therein named ;

No. 413, an act to authorise Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate ;

No. 417, an act to vacate a part of Flemingsburgh in Randolph county ;

No. 422, an act to correct a misprint and to extend the time for the completion of the public printing ;

No. 423, an act to amend an act in relation to county auditors ;

No. 428, an act for the relief of the purchasers of the 16th sections of congressional townships, and for the better securing the payment thereof.

The Senate has also passed engrossed bills of the House of Representatives entitled as follows, each with amendments, viz :

No. 274, an act to incorporate the Peru bridge company ;

No. 305, an act for the relief of the purchasers of lots in Indianapolis.

No. 338, an act to authorise the leasing of water power at the town of Pittsburgh, Carroll county ;

No. 344, an act to create the fourteenth Branch Bank district ;

No. 366, an act to provide for the distribution of the road laws ;

No. 371, an act to compel speculators to pay a road tax equal to that paid by actual settlers in certain counties therein named.

Also, the Senate has passed an engrossed bill thereof entitled,

No. 196 an act to amend an act granting to the citizens of Madison and Lawrenceburgh a city charter ;

In which the concurrence of the House of Representatives is respectfully requested.

Amendments of the Senate numbered 274, 305, 241, 366 and 371, mentioned in the message, were concurred in.

The amendment of the Senate to bill No. 338 of the House was disagreed to.

Bill No. 196 of the Senate, mentioned in the message was read three several times and passed.

Ordered that the clerk inform the Senate thereof.

A message from the Senate by Mr. Harris a member:

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate has receded from its amendment to bill of the House,

No. 338—An act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes.

A message from the Senate by Mr. Bright, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed bill No. 114, an act extending the provisions of an act entitled an act for the relief of the settlers on the Wabash and Erie Canal lands, approved February 24th, 1840, with one amendment, in which the concurrence of the House is requested.

The amendment was concurred in.

Mr. Murray made the following report, which was laid upon the table, to-wit:

MR. SPEAKER:

The undersigned majority of the committee appointed to investi-

gate the report of the Auditor of State, on the subject of procuring tract books from several land districts, and copying and furnishing the several townships in said districts, beg leave to dissent from the report of the minority of said committee, and report as follows:

Your committee having examined and carefully compared the resolution of the 13th Feb. 1841, and also the resolution of 1831, to which the first named resolution refers, are of opinion that the Auditor is by law entitled to the same amount for copying and transmitting said tract books to said counties as he was obliged to pay to the land offices of whom they were procured; nevertheless, your committee consider the law upon the subject to be *impolitic*, and that it was not intended to allow so large a sum for so small an amount of labor.

Your committee therefore are of the opinion that they cannot too much commend the spirit of equity and justice which has prompted the Auditor to relinquish the fees to which the law entitles him, and charge a much less sum,

ELIAS MURRAY,
A. L. ROBINSON,
JOHN EDWARDS,

Mr. Robinson moved that

No. 156—A joint resolution in relation to a fiscal agent of the United States, be taken from the table;

Which motion prevailed.

Mr. Hannegan then moved that said joint resolution be postponed until the 4th of March 1845.

Mr. Leslie moved to postpone indefinitely.

And the ayes and noes being demanded thereon by Messrs. Robinson of C. and Leslie;

Those who voted in the affirmative were,

Messrs. Barnett of L., Barnett of M., Bowers, Brown of D., Chapman of L., Clements, Cogswell, Cooley, Coon, Cooper, Davis of F., Defrees, Deming, Dunbar, Edwards, Ellis, Foley, Foulke, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Grover, Hackleman, Hannegan, Harding, Hendricks, Hodges, Hoobler, Hutton, Lawrence, Lee, Leslie, Lingle, Marshall, Matheny, May, M'Alister, Meeker, Milliken, Mitchell, Murray, Myers, Nelson, Norvell, O'Neill, Peak, Proctor, Quick, Rand, Rannells, Rawlings, Ritchey, Robinson of C., Robinson of R., Rooker, Runyan, Saunders, Sayler, Shoup, Simonson, Sinks, Snoddy, Snook, Stratton, Thompson of F., Thompson of N. and L., Tisdale, Warriner, Williamson, Yocum, and Mr. Speaker—74,

Those who voted in the negative were,

Messrs. Bearss, Bradley, Chapman of H., Marsh, Montgomery, and Wines of A.—6,

Mr. Goodhue moved to reconsider the vote on the passage of No. 390, a bill to authorise the construction of a railroad in the northern part of the State;

And the ayes and noes being demanded thereon by Messrs. Edwards and Foley,

Those who voted in the affirmative were,

Messrs. Bearss, Bowers, Bradley, Chapman of Hancock, Chapman of Laporte, Cogswell, Cooper, Davis of Floyd, Ellis, Foulk, Gilbert, Goodenow, Goodhue, Hackleman, Harding, Hendricks, Henley, Hodges, Lee, Leslie, Marshall, M'Allister, Meeker, Mitchell, Montgomery, Murray, Proctor, Quick, Rannells, Rawlings, Robinson of Carroll, Runyon, Sinks, Stratton, Tisdale, Townsend, Warriner, Williamson and Wines of Allen—39.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Brown of Dearborn, Clements, Cooley, Coon, Dunbar, Edwards, Foley, Garrigus, Gorman, Graham, Grover, Hoobler, Howard, Hutton, Lawrence, Marsh, Matheny, May, Milliken, Nelson, Norvell, O'Neill, Peak, Rand, Robinson of Rush, Rooker, Saunders, Sayler, Shoup, Simonson, Snook, Thompson of Fayette and Yocum—35.

Mr. Robinson moved to commit the bill to a select committee, with instructions to extend the provisions of the bill to the Michigan road; but the company or association not to be compelled to make a railroad.

Mr. Davis of Floyd moved to amend the instructions as follows:

"And for the construction of a railroad from New Albany, by way of Jeffersonville, to Columbus."

Mr. Matheny moved that the bill and proposed instructions be laid upon the table;

And the ayes and noes being demanded thereon by Messrs. Matheny and Garrigus,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Brown of Dearborn, Clements, Cooley, Coon, Cooper, Deming, Edwards, Foley, Garrigus, Gilbert, Gorman, Graham, Hackleman, Hannegan, Henley, Hoobler, Hutton, Lawrence, Matheny, May, Milliken, Mitchell, Nelson, Norvell, O'Neill, Peak, Proctor, Rand, Ritchey, Robinson of Rush, Rooker, Saunders, Sayler, Shoup, Simonson, Snoddy, Tisdale, Warriner and Yocum—43.

Those who voted in the negative were,

Messrs. Barnett of Lawrence, Bradley, Bowers, Chapman of Han-

cock, Chapman of Laporte, Cogswell, Cotton, Dunbar, Ellis, Foulk, Goodenow, Grover, Hendricks, Hodges, Lee, Leslie, Marshall, McAllister, Meeker, Montgomery, Murray, Myers, Quick, Rannells, Rawlings, Robinson of C., Runyon, Sinks, Thompson of Noble, Townsend, Warriner, Williamson, Wines of Allen and Mr. Speaker—34.

Mr. Hendricks moved to reconsider the vote on
No. 382, a bill relative to the Knox county seminary;
And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Lawrence, Barnett of Montgomery, Bowers, Bradley, Brown of Marion, Chapman of Hancock, Clements, Cooper, Grover, Harding, Hodges, Lawrence, Marsh, Marshall, Mitchell, Montgomery, Myers, O'Neill, Peak, Rawlings, Robinson of Carroll, Sinks, Townsend and Williamson—24.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Cogswell, Cooley, Coon, Davis of Floyd, Dunbar, Edwards, Ellis, Foley, Foulk, Garrigus, Gilbert, Goodenow, Goodhue, Gorman, Graham, Hackleman, Hannegan, Henley, Hoobler, Hutton, Leslie, Matheny, May, McAllister, Meeker, Milliken, Murray, Nelson, Norvell, Proctor, Quick, Rand, Rannells, Ritchey, Robinson of Rush, Rooker, Runyon, Saunders, Sayler, Shoup, Snoddy, Thompson of Fayette, Thompson of Noble, Tisdale, Warriner, Yocum and Mr. Speaker—48.

Mr. Henley moved to take from the table

No. 242—A bill providing for the appointment of a State Attorney General for one year and defining his duties;

Which motion was decided in the affirmative.

Mr. Ritchey moved to strike out the bill from the enacting clause and insert a substitute, providing that the State Agent shall perform the duties contemplated in the bill, with the privilege of employing an attorney.

Mr. Foley moved to amend so that the compensation of said attorney shall not exceed one thousand dollars per annum;

Which was not adopted.

Mr. Wines of A. moved to amend the original bill by striking out so much as contemplates the election of Attorney General by joint ballot, and inserting the name of James Whitcomb as said Attorney General;

Which amendment was not adopted.

Mr. Davis of Floyd moved to amend by inserting an additional section, providing for a change of venue in certain cases;

Which amendment was adopted.

Mr. Clements moved to strike out of the amendment the word "agent" and insert "James Whitcomb."

Mr. Hodges moved that the bill and proposed amendments be laid upon the table;

Which motion did not prevail.

The question being taken on Mr. Clements's amendment, it was decided in the negative.

The question recurring on the amendment of Mr. Ritchey as amended,

And the ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Barnett of Montgomery, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Chapman of Lap., Clark, Cogswell, Cooley, Coon, Cooper, Davis of Floyd, Dunbar, Edwards, Ellis, Goodenow, Gilbert, Goodhue, Gorman, Graham, Grover, Hannegan, Harding, Hendricks, Henley, Hoobler, Howard, Hutton, Lawrence, Lee, Leslie, Lingle, Marsh, Marshall, Matheny, May, McAlister, Milliken, Murray, Nelson, O'Neill, Peak, Proctor, Quick, Rand, Rawlings, Ritchey, Robinson, of Rush, Rooker, Sayler, Shoup, Simonson, Snoddy, Snook, Thompson of Fayette, Thompson of Noble, Tisdale, Townsend, Warriner and Williamson—61.

Those who voted in the negative were,

Messrs. Bearss, Chapman of Hancock, Clements, Foley, Foulk, Garrigus, Hackleman, Hodges, Meeker, Montgomery, Rannells, Runyon, Sinks, Stratton, Wines of Allen and Yocum—15.

The bill was then read a third time and passed.

On motion of Mr. Henley,

The title was so amended as to read "a bill relative to the duties of State Agent."

Ordered that the clerk inform the Senate thereof.

On motion of Mr. Peak,

No. 345—A bill relative to the coroner of Martin county,
Was taken from the table—amended by adding a proviso to the second section; read a third time and passed.

Ordered that the clerk inform the Senate thereof.

On motion of Mr. Robinson of Rush,

Resolved, That the public printers be directed to distribute by [mail] to the members of this House their proper proportion of such documents as may be published after the adjournment to be directed to their proper post office, the postage to be paid out of the contingent fund.

Mr. Brown of Marion, from the committee of free conference, made the following report, which was concurred in by the House, to-wit:

MR. SPEAKER:

The committee of free conference to which was referred the con-

sideration of the disagreement of the two Houses on bill No. 376, an act making specific appropriations for the year 1842, have had the said bill and amendments under their consideration, and have agreed to report as follows, to-wit:

That the House concur in the 3d amendment of the Senate to said bill, with the exception of so much as strikes out the compensation to Robert B. Duncan, which the committee have agreed to allow.

That the Senate concur in the 2d branch of amendment of the House to the 12th amendment of the Senate.

The committee cannot come to any agreement on the 8th amendment of the Senate to the bill.

Mr. Brown of Marion made the following report, which was concurred in, to-wit:

MR. SPEAKER:

The judiciary committee to which was referred the petition of Jos. Howard, have had that subject under consideration and have directed me to report, that inasmuch as the prayer of the petitioner involves the private rights of individuals, your committee are of opinion that they cannot pass a bill for the relief of the said Joseph Howard that would have any validity in courts of justice, as they are clearly of the opinion that to grant the relief asked for would be such an invasion of the private rights of the Richmond Trading and Manufacturing Company, that the court would declare such law void.

Mr. Grover made the following report, which was concurred in, to-wit:

MR. SPEAKER:

The select committee to whom was referred the petition of the citizens of Washington township, in Carroll county, praying to be attached to the county of Cass, have had that subject under consideration and have directed me to report, that as the petitioners have not complied with the provisions of the law which makes it necessary that petitioners shall give thirty days notice of their intention so to petition; the committee therefore ask to be discharged from the further consideration of the subject.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Leslie offered the following resolution, which was unanimously adopted, to-wit:

Resolved, That the thanks of the members of the House of Representatives be tendered to the Principal, Assistant and Enrolling clerks of this House for the able and efficient manner in which they have discharged their respective duties, during the present session.

A message from the Senate by Mr. Maguire their secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, each with amendments, entitled as follows, viz:

No. 348—An act to regulate the duties of clerks of the circuit courts and county recorders;

No. 374—An act levying a tax for state purposes, and for the gradual redemption of Treasury Notes;

No. 388—An act to limit the time of holding the circuit courts in Vigo county.

In which amendments of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments to the several bills, mentioned in the message, were severally read and concurred in.

A message from the Senate by Mr. Wright a member:

MR. SPEAKER:

The Senate have passed, without amendment.

Bill No. 364—A bill to authorize the building of a bridge over Lasselle creek;

Bill No. 231—A bill to authorize the building of a towing-path bridge across the Wabash river at Carrollton, Carroll county.

A message from the Senate by Mr. Maguire their secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives entitled as follows, viz: (without amendment)

Na. 362—A bill for the relief of Solomon Russell, collector of Lake county, and his securities;

No. 418—An act for the relief of David Sutton, Sr.;

No. 430—An act to incorporate the Michigan City Band;

No. 283—An act to amend an act entitled an act to provide for the sale of certain lands therein named;

No. 387—An act to legalize the acts of the Probate courts and county commissioners' courts of the county of Boone;

No. 396—An act amendatory of an act authorizing the appointment of constables and defining their duties, app. Feb. 17, 1838;

No. 425—an act to repeal the 13th section of an act therein named so far as relates to the counties of Lake and Porter;

No. 365—an act amendatory to the several acts regulating foreign and domestic attachment;

No. 298—an act prescribing the mode of levying and collecting township taxes in the county of Dearborn;

No. 411—an act empowering Henry Nelson and Mary M. Nelson to convey real estate;

No. 381—an act for removing obstructions in the St. Joseph river in the counties of Elkhart and St. Joseph;

No. 389—an act to incorporate the Garrick Literary Institute;

No. 384—an act to authorize Philip Mason to convey certain lots to Pinkney James, and for other purposes;

A message from the Senate, by Maguire their secretary :

MR. SPEAKER :

The Senate has passed engrossed bills thereof, entitled

No. 241—an act to amend an act establishing the office and defining the duties of Notary Public, approved January 26, 1824;

No. 240—a joint resolution relative to the auditor of State ;

In which the concurrence of the House of Representatives is respectfully requested ;

The Senate has concurred in the amendment of the House to bill of the Senate,

No. 201—to amend an act entitled “an act for the relief of John Rodolph Fischli,” approved February 18, 1839;

No. 241, mentioned in the message, was read a first time; when

Mr. Norvell moved that said bill be rejected;

Which motion was decided in the negative.

Said bill was read a second time ; when

Mr. Wines of A. moved to strike out the proviso in said bill.

The bill was then laid upon the table.

No. 240 was read a first and second times; when

Mr. Norvell moved to strike out the second resolve ; which motion did not prevail.

The joint resolution was then read a third time, and laid upon the table.

The Speaker laid before the House a communication from Dr. Isaac Coe, late fund commissioner ; which was read and laid upon the table.

The following communication was received from Isaac Coe, which was laid on the table :

To the Honorable the House of Representatives of the State of Indiana:

Nothing but an imperious sense of what is justly due to myself as a late public officer, impels me respectfully to refer to an evident misapprehension under which the investigating committee of the Senate reported me to have received from the Morris Canal & Banking Company, upwards of \$100,000.

In an exhibit taken from the account of the Morris Canal & Banking Company, furnished by Mr. Sweetser (which I had not seen when the committee reported and had not been called on to explain) the committee estimated that in settling my note with the company eighteen months after I went out of office, I received by the over-estimation of the stocks paid on it, \$33,680

And then the committee add the whole of the very note which such credit went to pay, 39,000

Making together \$72,680

Charging me both with the debt and the means applied to its payment.

I will only add now, that part of that note had been previously paid, as shown by the account itself; and I had claims against the company originating after I ceased to be commissioner to balance the whole note, allowing the stock at their market price, so that none of the \$72,680 ought to have been included ; and a further sum of \$11,200 included in their report arose long after I ceased to be commissioner. And every thing else in the account of the Morris Canal & Banking Company can, and will I trust, hereafter be satisfactorily explained.

ISAAC COE.

A message from the Senate by Mr. Maguire their secretary :

MR. SPEAKER :

I have been directed to inform the House of Representatives that the Senate has concurred in the amendments of the House to bill of the Senate,

No. 242, an act providing for the appointment of a State Attorney General for one year and defining his duties, with one amendment, in which the concurrence of the House is respectfully requested.

The House refused to concur in said amendment.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Maguire their secretary :

MR. SPEAKER :

The Senate has passed No. 261, an act to incorporate the town of Newport, Wayne county, approved February 7, 1838;

With one amendment, in which the concurrence of the House of Representatives is requested.

The Senate has also passed without amendment, a bill entitled as follows:

No. 287, an act further to amend an act entitled an act relative to public roads and highways, approved February 17, 1828;

The House concurred in the amendment of the Senate to bill of the House 261, mentioned in the message.

A message from the Senate, by Mr. Harris a member:

MR. SPEAKER :

I have been directed to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House of Representatives, to-wit;

No. 65—An act amending an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal, east of the mouth of the Tippecanoe River, approved Feb. 15, 1841;

Without any amendment thereto.

The Senate has receded from its amendment to the amendment of the House to bill of the Senate,

No. 242—An act providing for the appointment of a State Attorney General, for one year, and defining his duties.

A message from the Senate, by Mr. Farquhar, assistant secretary:

MR. SPEAKER :

The Senate has passed an express bill of the House with an amendment, entitled,

No. 299—An act taxing individual stock in the several Branches of the State Bank of Indiana;

In which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed an engrossed bill thereof entitled,

No. 195—An act for procuring common school statistics.

The amendments of the Senate to bill of the House, No. 299, were concurred in.

No. 195, of the Senate, was read a first and second times, and laid upon the table.

A message from the Senate by Mr. Farquhar, their clerk :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its amendment to the bill of the House

No. 348, to regulate the duties of clerks of the circuit courts and county recorders.

TREASURER'S OFFICE,
Indianapolis, December 31, 1841. }

TO HON. JOHN W. DAVIS,

Speaker of the House of Representatives.

SIR:—In obedience to a resolution of the House of Representatives, requiring the Treasurer of State "to report the situation of the lands and mortgages transferred to the State by the Lawrenceburgh and Indianapolis Railroad Company," I have now the honor to report :

That by virtue of the act "to provide for a general system of internal improvements," approved 27th January, 1836, the stockholders of the Lawrenceburgh and Indianapolis Railroad Company were authorised to pay for stock therein, by giving bonds payable in twenty years from the 1st of January, 1836, secured by mortgages on real estate to the full value of the sum to be secured thereby. These securities the company were authorised to transfer to the State by assignment thereon; whereupon the Treasurer of State was bound to deliver to the company state bonds to the amount of the mortgages so transferred. For the further security of the State, the appraisers of the property mortgaged were to be appointed by the Treasurer of State, and to act under oath; and the mortgages have an interest of six per cent., but if paid one month in advance, only five and one-eighth can be required; also, on failure to pay interest, the mortgage can be foreclosed with five per cent. damages.

The amount of stock so authorised to be paid by mortgage was five hundred thousand dollars, supposed to be one-half of the cost of constructing the work contemplated. But although the whole amount of stock was subscribed by over five hundred individuals in the several counties interested, only about sixty accepted the terms of the above act, and the sum of \$232,274 68 only was realised from the subscription; \$221,180 of which was in bonds and mortgages. These bonds and mortgages were transferred to the State, and state bonds to the amount of 221,000 dollars delivered therefor, leaving the State indebted to the company, 180,000 dollars.

It will from this statement be perceived that originally the State had a double security—1st, in the bonds and mortgages themselves—2d, in the liability of the company on the assignment. This latter security has been lost by the surrender of the company's charter to the State, which was authorised by an act passed in 1838. Even if the company was still in existence, it would avail the State but little as a security. For although seventy or eighty thousand dollars has been expended on the work, it has been in such detached parcels as to be entirely valueless, and no other corporate means of payment is supposed to exist.

The State must therefore rely upon the individual bonds and mort-

gages, a list of which I append to this report. One mortgage having been paid off, \$425 00, leaves the amount of principal now due, \$220,755, out of which the State owes the company 180 dollars.—Notwithstanding that all due caution was used in having the appraisements fairly made, yet, considering the prosperous state of the country at the time and the high prices of every thing, it cannot be expected but that a great loss must ensue to the State, should she be compelled to receive the land so mortgaged. Such I believe to be the opinion of the mortgagers generally, many of whom would now be willing to surrender the land in discharge of their debts. Indeed that offer has recently been made by those owing near forty thousand dollars of these claims. In addition to the lands the State has the personal obligation of each mortgager to make good any deficiency in his own lands. At present I believe the majority of these are solvent; but as the mortgages cannot be foreclosed so long as the interest is paid and the debtors will likely continue to pay interest so long as they are able, it must rest in uncertainty whether they will be able to meet the demand when the time of payment arrives, fourteen years hence. Some ten or twelve have already become insolvent, and there may be others, with whose situation I am not acquainted. One has died and his estate is insolvent; and several have sold out their lands subject to this incumbrance, and have removed from the State.

I am unable to state how many are delinquent in the payment of interest. A condition of the bonds given is that the interest shall be paid semi-annually at the Lawrenceburgh Branch of the State Bank. Until the dissolution of the company the interest was regularly paid, but since then it has been very irregular, and although repeatedly requested, I have yet no return from the Branch of the amount so received for the last July instalment. From information otherwise obtained, I suppose that at least one-third of the interest remains unpaid. Several suits are now pending to foreclose mortgages for non-payment of interest, and I am preparing to bring several more for old arrearages, and shall continue to prosecute in every case of failure. In the only instance in which judgment has yet been obtained, several unsuccessful efforts have been made to sell the land for the mortgage money.

Much of the lands mortgaged is in large uncultivated tracts, and much solicitude has been manifested by those interested to have the mortgages divided, so that the land could be sold for settlement in small parcels. This the General Assembly has heretofore refused to permit; and however desirable it may be that some facility should be afforded for the more speedy occupation of these lands, there is some reason to fear that the security might thereby in some cases be lessened. Several of the debtors have lately expressed their desire to pay off their mortgages in state bonds, contending that when due they can at law set them off against the claim of the State, and therefore that I, as the officer having charge of the claims, should now receive them in payment. Believing I had no authority to do so, I have declined; but I believe many of the debtors are preparing them-

selves with bonds thus to meet the claim of the State, and it is most likely that all who are able will do so, while those who are unable will suffer their lands to forfeit.

The lands in these cases were not required to be taken at half their value, as under the loan office law; neither are they governed by that law in the process of foreclosure, but require suits to be instituted for that purpose and sales to be made as in ordinary cases, and therefore I presume the property would have to be appraised and be subject to all the laws applicable to execution sales.

As was remarked in my annual report, only \$600 19 of the last July instalment of interest has reached the treasury. What has been paid into the Branch Bank at Lawrenceburgh has been carried to the credit of the State on account of interest on state bonds held by the bank, and it is understood that all future payments will be applied in that way; and it being a part of the contract that the payments of interest due on these mortgages shall be made in that branch, I do not see how this result can be prevented.

Respectfully submitted,

GEO. H. DUNN, *Treasurer.*

LIST OF MORTGAGERS TO LAWRENCEBURGH AND INDIANAPOLIS RAILROAD COMPANY, TRANSFERRED TO THE STATE.

Dunn & Spooner,	-	-	-	-	-	\$3,300
David V. Culley,	-	-	-	-	-	1,500
Jesse Lard,	-	-	-	-	-	4,000
George H. Dunn,	-	-	-	-	-	2,500
M. Welsh,	-	-	-	-	-	1,200
George P. Buel,	-	-	-	-	-	14,300
Owen Tinsey,	-	-	-	-	-	21,350
M. Gregg,	-	-	-	-	-	4,000
Tate, Dunn & Springer,	-	-	-	-	-	4,150
J. P. Dunn,	-	-	-	-	-	10,860
James Vernon,	-	-	-	-	-	250
Jacob Kennerly,	-	-	-	-	-	1,200
W. E. Midkiff,	-	-	-	-	-	300
R. Cummings,	-	-	-	-	-	1,400
R. Lemasters,	-	-	-	-	-	400
Wm. Little,	-	-	-	-	-	1,400
John Walker,	-	-	-	-	-	3,803
W. H. Campbell,	-	-	-	-	-	3,000
S. Major,	-	-	-	-	-	1,950
E. Jocelyn,	-	-	-	-	-	700
J. B. Foley,	-	-	-	-	-	4,150
John Thompson,	-	-	-	-	-	400
D. Gazley,	-	-	-	-	-	950
J. Cummings,	-	-	-	-	-	1,250
W. W. McCoy,	-	-	-	-	-	500

Cummings and Walker.	500
Thomas C. Griffing,	550
N. Teal, -	2,000
B. Robinson, -	950
S. Walker, -	950
L. Morgan, -	1,200
Wm. Major, -	2,000
Allen Duncan, -	200
H. P. Durbin, -	850
D. Paramore, -	500
G. C. Paramore, -	500
G. W. Hopkins, -	600
Adam Hord, -	400
E. Mitchell, -	3,250
A. Bohannon, -	1,200
J. F. Shannon, -	600
Nat. Lewis, -	1,500
Wm. Hamilton, -	1,300
D. G. Bryant, -	3,000
James Shannon, -	1,200
John Dawson, -	9,000
William Tate, -	8,100
C. Hays, -	3,150
D. S. Major, -	2,525
G. Elliott, -	400
J. T. Lancaster, -	1,175
E. D. John, -	12,830
Walter Hayes, -	18,000
D. Guard, -	12,000
W. & L. Morgan, -	8,000
John Billingsley, -	11,000
H. Fitch, -	3,400
Joel Vernon, -	500

Mr. Henley from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means to whom was referred the instructions of this House directing them to define and class the animal "broker" report, that according to the best information the committee could obtain in the short time allowed them for the examination of the subject, a broker in the modern acceptation of the term, is an animal of the *genus homo*; he is a biped without feathers; a quadruped without hoofs; he is a monkey with a voice and a monkey without a tail, though he partakes of many of the properties of almost all other animals, birds and fishes. As a whale he spouts most furiously; as a shark he is remarkably fond of human flesh; and like all other of the funny tribe he preys upon the weaker of his species. Like the cat he crouchers in secret for the approach of his prey; he bounces upon it with the certainty

of the tiger, and devours it with the voracity of the wolf; according to circumstances, he is bold as a lion, cunning as a fox or timid as a fawn. He is migratory, and is to be found in all climates, from Sym's hole to Scandinavia. Like the Egyptian locusts he devours every green thing; and like all migrating animals he quits his old haunts without reluctance whenever new ones can be found more congenial to his pursuits. He is herbivorous, carnivorous, granivorous, amphibious and *white-liverish*. He has two sets of teeth, one for the common mastication and the other for the destruction of human flesh.

Not having had time to examine Buffon and other approved naturalists, this report is submitted to use the language of another *Pro hac Vice*.

HANOVER, Ind., Jan. 20th, 1842.

HON. JOHN W. DAVIS,

Speaker of the House of Representatives of Indiana:

SIR—Will you please to lay before the House the following reports and ask it to transmit the same to the Senate?

Respectfully,

E. D. MAC MASTER.

To the honorable the General Assembly of the State of Indiana, the Board of Trustees of Hanover College respectfully present the following annual report of the condition of the institution during the collegiate year ending Sept. 28th, 1841:

The following gentlemen compose the Faculty, viz:

Rev. E. D. Mac Master, President and Professor of Mental and Moral Philosophy;

Rev. J. F. Crowe, D. D., Professor of Logic, Rhetoric and History; Thomas W. Haynes, A. M., Professor of Mathematics and Natural Science;

Minard Sturgus, A. M., Professor of Languages;

George B. Bradley, A. B., Assistant Professor of Mathematics; and,

Hon. Miles C. Eggleston, Professor of Law.

The number of students in actual attendance during the year is *eighty five*. Of these, nearly all are in the different stages of progress in the full college course of studies, prescribed in the institution.

The Trustees have pleasure in informing your honorable body, that the internal condition of the college, in respect to the extent and quality of the instruction given, the proficiency of the students in their studies, and their general deportment, has been during the last three years, in a course of constant improvement. The course of studies now pursued is it is, believed, as extensive, and as fully accomplished by the students, as that of any other college in the Western States.

This course it is intended still further to enlarge, whenever it may

appear that it can be done with advantage. Special efforts have been made during the year to elevate the grade of instruction in the Preparatory Departm't. The results have been of the most gratifying kind: and the belief is entertained, that one of the greatest obstacles to the progress of the students in the more advanced stages of their course: namely the want of adequate preparation for entering the college classes,—may, so far as respects those who pursue their whole course at this institution, be in a great measure obviated.

A copy of the Annual Catalogue and Circular of the College is herewith transmitted.

All which is respectfully submitted.

By order of the Board of Trustees,

E. D. MAC MASTER, *Secretary*.

Hanover College, Sept. 28th, 1841.

A message from the Senate by Farquhar their assistant secretary :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the first and refused to concur in the second amendment of the House to bill of the Senate

No. 131, amendatory of the acts now in force on the subject of Notaries Public.

On motion, the House receded from its second amendment to said bill.

On motion,

The House receded from their said amendment.

Mr. Brown of made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared the engrossed with the enrolled bills and find the same correctly enrolled.

No. 87, an act supplemental to "an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county." approved February 4, 1837 ;

No. 91, an act to amend an act entitled "an act to authorize the payment of contractors on the Wabash and Erie canal, east of the Tippecanoe river," approved February 15th, 1841 ;

No. 182, an act to amend an act entitled "an act prescribing the duties of county auditor," approved February 12, 1841 ;

No. 214, an act to amend an act locating a certain state road therein named ;

No. 218, an act to amend an act entitled an act to incorporate the trustees of the Daviess County Seminary ;

No. 220, an act declaring a certain name a misprint and for other purposes ;

No. 221, an act to amend an act entitled "an act to establish seats of justice in new counties," approved January 14, 1824 ;

No. 225, an act to provide for the election of a justice of the peace in the town of St. Louis, Bartholomew county ;

No. 236, a joint resolution designating the same day throughout the United States for the election of President and Vice President ;

No. 239, an act for the relief of George Miller in Johnson county ;

No. 240, an act authorizing the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county ;

No. 273, an act to vacate part of Grimes' addition to the town of Delphi, in Carroll county ;

No. 275, an act to amend an act entitled "an act to authorize the election of a justice of the peace and a constable in the town of Fredericksburgh, in Washington county," approved February 18, 1840.

No. 280, an act relative to the board of commissioners of Knox county ;

No. 288, an act to incorporate the New Albany patent bagging manufacturing company ;

No. 290, an act to provide for the election of an additional justice of the peace in Silver creek township, Clark county ;

No. 314, an act changing the time of holding probate courts in Clay county ;

No. 316, an act to amend an act entitled "an act to provide for the mode of doing township business in Miami county," approved December 24, 1840 ;

No. 320, an act to locate a state road in Clay county ;

No. 326, an act for the relief of the late collectors of the state and county revenue for the county of Orange, for the years 1839 and '40.

No. 334, an act declaring a county road a state road in the counties of Owen, Clay, Putnam and Clark ;

No. 339, an act to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein ;

No. 341, an act for the benefit of a private school in Marion county, Indiana, situated in section 31, township 15 north, range 4 east, known by the name of "Whright's school house ;"

No. 351, an act for the relief of the school commissioners of Greene county ;

No. 363, an act to exempt the lands of revolutionary soldiers from taxation ;

No. 373, an act for the relief of the late collectors of state and county revenue ;

No. 310, an act to provide for the summoning and empanneling of grand and petit jurors in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings, Marshall and Orange ;

No. 311, an act to incorporate the Hoosier Company of Clark county ;

No. 318, an act giving additional stay of execution where specie is demanded ;

347, an act to amend an act entitled an act supplemental to an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or Masonic Lodges," approved February 10th, 1831, approved February 16th, 1839;

No. 360, an act for the relief of Sarah Smith of Greene county. On motion the House adjourned till Monday morning, 5 o'clock.

MONDAY MORNING, JAN. 31, 1842.

The House met pursuant to adjournment.

The reading of the Journal was dispensed with.

Mr. Wines of Vigo, offered the following resolution, to-wit:

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon the Governor and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he have no further communication to make to them;

Which was adopted.

Messrs. Wines of Vigo and Montgomery, were appointed said committee.

Mr. Robinson of C., by unanimous consent, introduced,

No. 433, a joint resolution requiring the State Agent to give an official bond, and take an oath of office;

Which was read three several times (rules suspended) and passed.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed an engrossed joint resolution for the relief of Hugh O'Neal, which originated in the House of Representatives, without amendment.

A message from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate has passed an engrossed joint resolution of the House of Representatives, without amendment, entitled,

No. 433—a joint resolution requiring the State Agent to give an official bond and to take an oath of office.

The Senate has reciprocated the resolution of the House of Representatives, appointing a committee to wait on the Governor and inform him that both Houses of the General Assembly have completed their legislative labors, and are now ready to adjourn if he have no further communication to make to them; and Messrs. Reed and Aker are appointed said committee on the part of the Senate.

Mr. Brown of M., made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared the following enrolled bills with the engrossed bills, and find them truly enrolled.

An act amendatory of the several acts in relation to crime and punishment;

No. 120—an act to amend the several acts in relation to the surplus revenue;

No. 175—an act for the relief of certain persons therein named;

No. 102—an act to amend an act for the relief of the poor, approved, February 17th, 1838.

No. 133—an act to legalize the sale of a certain school section therein named;

No. 230—an act to change the name of Mary Smith to that of Mary Smith Chamberlain;

No. 190—an act to incorporate the Evangelical Lutheran and Reformed Church of the city of Madison;

No. 223—an act to keep in repair the Cumberland and Michigan Roads;

No. 184—an act to vacate the town of New Hartford in the county of White;

The following message was received from his Excellency, the Governor, by Mr. Kiersted his private secretary:

MR. SPEAKER:

I am directed by the Governor, to inform the House of Representatives, that on the 29th inst. he approved and signed the following acts:

No. 313—an act regulating the jurisdiction of justices of the peace in Spencer county;

No. 212—an act to direct the fencing of the grave yard on the poor farm in Marion county;

No. 307—an act for the relief of purchasers of lands at school commissioner's sale, in St. Joseph county;

No. 304—an act relative to a dam and lock in Elkhart river, in the county of Elkhart;

No. 289—an act for the relief of John Brown;

No. 385—an act to locate a state road therein named, and for other purposes;

No. 368—an act to provide for the assessor of the county of Harrison to qualify;

No. 380—an act authorizing the board doing county business, in the counties of Warrick and Spencer to appoint viewers to view a road from Boonville to Mackville;

No. 386—an act to amend an act, entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved, February 17, 1838, and to secure the observance of the 103d section of said act;

No. 369—an act to amend an act entitled "an act to revise and amend an act incorporating congressional townships and providing for public schools therein";

No. 367—an act to regulate the jurisdiction and duties of Justices of the Peace in Lawrence county and amendatory of the act entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved, February 17th, 1838;

No. 346—an act to prevent the use or adoption of the county seminary in Franklin county as a district school house, and for other purposes;

No. 345—an act to authorize the children of Joseph Richardville to inherit the property of their ancestors;

No. 340—an act for the relief of the late collector of Fayette county;

No. 337—an act to authorize John Bates, Jared A. Ball and company, to build a mill dam across the little St. Joseph river in Dekalb county;

No. 325—an act concerning the Union county seminary;

No. 322—an act to provide for refunding money paid by purchasers of certain lots in the town of Evansville, belonging to the county of Vanderburgh sold for taxes;

No. 321—an act to give corporate powers to the county of Brown;

No. 315—an act to extend the provisions of "an act for the preservation of sheep," approved, January 25th, 1841, to the county of Delaware;

No. 277—an act to provide for the preservation of the southern end of the southern division of the central canal;

No. 263—an act for the relief of John Tate;

No. 254—an act to declare a certain road in Wabash county a state road;

No. 244—an act to legalize the proceedings of the board of commissioners of Spencer county with respect to the surplus revenue, deposited in said county;

No. 230—an act to authorize the board of county commissioners of Kosciusko county, to rescind an order by them made;

No. 227—an act to regulate the summoning of petit jurors in Dearborn county;

No. 93—an act to fix the time of holding the Marion circuit court;

No. 195—an act fixing the time of holding courts in the fourth judicial circuit, and for other purposes;

No. 175—an act to change the mode of selecting jurors in Lawrence county, and for other purposes;

No. 302—an act to vacate Duret street in the Godfrey addition to the town of Peru;

No. 45—an act to provide for the collection of the State and county revenue of Vanderburgh and Perry counties, for the year A. D. 1841.

No. 226—an act to amend an act entitled "an act declaring Patoka a public highway" and for other purposes, approved, Jan. 27th, 1841;

No. 257—an act to confine the voters of Hamilton, Steuben, Dekalb, Union, Franklin, St. Joseph and Cass to their respective townships, and for other purposes;

No. 266—an act to provide for selecting petit jurors in Laporte county;

No. 221—an act to amend an act entitled "an act to establish seats of justice in new counties," approved, January 14, 1824;

No. 280—an act relative to the board of commissioners of Knox county;

No. 288—an act to incorporate the New Albany patent bagging manufacturing company;

No. 314—an act changing the time of holding probate courts in Clay county;

No. 275—an act to amend an act entitled "an act to authorize the election of a justice of the peace, and a constable, in the town of Fredericksburgh, in Washington county," approved, Feb. 18, 1840;

No. 320—an act to locate a state road in Clay county;

No. 326—an act for the relief of the late collectors of the state and county revenue for the county of Orange, for the years 1839 and 40;

No. 334—an act declaring a county road a state road in the counties of Owen, Clay, Putnam and Clark;

No. 339—an act to authorize the board doing county business in the county of Tippecanoe to establish additional ferries therein;

No. 341—an act for the benefit of a private school in Marion county, Ia. situate in section 31, township 15 north, range 4 east, known by the name of "Wright's school house";

No. 310—an act to provide for the summoning and empanneling grand and petit jurors in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings, Marshall and Orange;

No. 311—an act to incorporate the Hooshier Company of Clark county;

No. 318—an act giving additional stay of execution where specie is demanded;

No. 347—an act to amend the act, entitled "an act supplemental to an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges" approved, February 10, 1831, approved, February 16, 1839;

No. 360—an act for the relief of Sarah Smith of Greene county;

No. 351—an act for the relief of the school commissioner of Greene county;

No. 363—an act to exempt the lands of revolutionary soldiers from taxation;

No. 373—an act for the relief of late collectors of state and county revenue;

No. 316—an act to amend an act entitled "an act to provide for the mode of doing township business in Miami county," approved, December 24, 1840;

No. 240—an act authorizing the administrator of Matthew H. Kempton deceased, to bring certain suits in Perry county;

No. 273—an act to vacate part of Grimes's addition to the town of Delphi, Carroll county;

No. 290—an act to provide for the election of an additional justice of the peace, in silver creek township, Clark county;

No. 239—an act for the relief of George Miller of Johnson county;

No. 182—an act to amend an act entitled "an act prescribing the duties of county Auditor," approved, Feb. 12, 1841;

No. 91—an act to amend an act entitled, "an act to authorize the payment of contractors on the Wabash and Erie canal, east of the Tippecanoe river," approved, February 15, 1841;

No. 214—an act to amend an act locating a certain state road therein named;

No. 220—an act declaring a certain name a misprint, and for other purposes;

No. 225—an act to provide for the election of a justice of the peace in the town of St. Louis in Bartholomew county;

No. 87—an act supplemental to an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county, approved, February 4, 1837;

No. 218—an act to amend an act entitled "an act to incorporate the trustees of Daviess County Seminary;

Also, joint resolutions as follows:

No. 236—a joint resolution designating the same day throughout the United States, for the election of President and Vice President;

No. 370—a joint resolution on the subject of improving the navigation of the Western rivers;

And on this day the following acts:

No. 404—an act vacating the town plat of Osceola in St. Joseph county;

No. 348—an act to regulate the duties of clerks of the circuit courts and county recorders;

No. 396—an act amendatory of an act entitled "an act authorizing the appointment of constables, and defining their duties," approved, February 17, 1838;

No. 376—an act making specific appropriations for the year 1842;

No. 261—an act entitled "an act to amend an act to incorporate the town of Newport, in Wayne county," approved Feb. 7, 1835;

No. 430—an act to incorporate the Michigan City Band;

No. 387—an act to legalize the acts of probate courts, and the county commissioners courts, in the county of Boone;

No. 248—an act to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d of June, 1836, approved, February 6th, 1837;

No. 69—an act entitled an act regulating the duties of clerks of the circuit courts and county auditors;

No. 272—an act relative to licensing groceries in the counties of Carroll and Cass;

No. 331—an act to incorporate the Jefferson Fire Engine and Hose Company, No. 1;

No. 343—an act appointing bridge commissioners in the counties of Spencer and Perry, and defining their powers and duties;

No. 262—an act supplementary to an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836, approved, February 6, 1837;

No. 397—an act to change a part of a certain state road, in Greene and Monroe counties;

No. 360—an act to authorize the distribution of the road laws;

No. 378—an act to provide for the partition of the real estate of Joseph McAlister late of Vanderburgh county, deceased;

No. 352—an act appointing commissioners to locate and re-locate state roads therein named;

No. 197—An act to provide for increasing the stock of the present stockholders in the South Bend Branch of the State Bank;

No. 235—An act supplemental to an act entitled an act to relocate part of a state road therein named, approved February 3d, 1841, and for other purposes;

No. 240—An act to authorize the board of county commissioners of Hendricks county to rescind an order by them heretofore made;

No. 134—An act amendatory to an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 17, 1838;

No. 181—An act to incorporate the Franklin Turnpike Company;

No. 128—An act supplemental to an act entitled an act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved February 15th, 1833;

No. 2—A joint resolution on the subject of a resumption of specie payments, and for other purposes;

No. 236—An act in relation to district schools in Orange county;

No. 60—An act to repeal so much of a law passed February 15, 1841, as provides for converting the College Fund into Bank stock, and other matters therein contained;

No. 91—To provide for the appointment of a commissioner to make deeds and for other purposes;

No. 214—An act to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1831;

No. 180—An act in relation to the Marion county library;

No. 248—An act to amend an act to provide for the distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, approved 23d June, 1836, approved Feb. 6th, 1837;

No. 69—An act entitled an act regulating the duties of clerks of the circuit courts and county auditors;

No. 272—An act relative to licensing groceries in the counties of Carroll and Cass;

No. 331—An act to incorporate the Jefferson Fire Engine Hose Company, No. 1;

No. 343—An act appointing bridge commissioners in the counties of Spencer and Perry, and defining their powers and duties;

No. 362—An act supplementary to an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved 23d of June, 1836, approved February 6th, 1837;

No. 376—An act making specific appropriations for the year 1842;

No. 378—An act to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;

No. 191—An act to legalize the acts and proceedings of the board of Tippecanoe county, and for other purposes;

No. 199—An act for the location of a certain state road therein named;

No. 241—An act to authorize the opening of a certain alley in the town of Indianapolis;

No. 109—An act for the relief of the inhabitants of school district No. (4) four in congressional township No. (2) two north of range No. (1) one west in Orange county;

No. 337—A joint resolution providing for the preservation of the manuscript journals of the Senate and House of Representatives;

They have also presented to the Governor the foregoing bills for his signature.

No. 65—An act to amend an act entitled an act to authorize the payment of contractors on the Wabash and Erie Canal east of the mouth of Tippecanoe river, approved February 15th, 1841;

No. 231—An act to authorize the building of the towing-path bridge across the Wabash river at Carrollton, Carroll county, and for other purposes;

No. 294—An act to change a part of a state road therein named;

No. 299—An act taxing individual stock in the several branches of the State Bank of Indiana;

No. 334—An act to create the fourteenth Branch Bank district;

No. 375—An act making general appropriations for the year 1842;

No. 373—An act to amend an act entitled an act concerning Knox county, approved January 28th, 1839;

No. 403—An act to repeal the 33d section of an act entitled an act to establish certain state roads therein named, and for other purposes, approved February 15th, 1841;

No. 377—An act relative to the duties of Auditor and Treasurer of State;

No. 405—An act to vacate the town of Castleton, in White county;

No. 372—An act to authorize the collection of state revenue in those counties which have failed to assess and collect the same for the year 1841;

No. 413—An act to authorize Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate;

No. 422—An act to correct a misprint and to extend the time of completing the public printing ordered by the present legislature;

No. 412—An act to create a state road therein named;

No. 410—An act to change the name of the town of Columbia, in Tippecanoe county;

No. 324—An act for the relief of Abram Perkins, collector of the state and county revenue in the county of Daviess for the year 1840;

No. 281—An act to amend an act entitled an act to amend an act entitled an act to allow further time to the Indianapolis and Lawrenceburg Railroad Company to settle up and close their affairs, approved February 18th, 1840, approved February 4, 1841;

No. 292—An act for the relief of the widow and heirs of John Reasoner, deceased;

No. 285—An act to legalize a marriage therein specified;

No. 401—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this State;

No. 262—An act for the relief of Solomon Russell, late collector of Lake county, and his securities;

No. 364—An act to authorize the building of a bridge over Lassel's creek;

No. 400—An act to legalize the change of the name of the town of Camden, in Jay county;

No. 411—An act empowering Henry Nelson and Mary M. Nelson his wife to convey certain real estate;

No. 114—An act extending the provisions of an act entitled an act for the relief of settlers on the Wabash and Erie Canal lands, approved February 24, 1840;

No. 384—An act to authorize Philip Mason to convey certain lots to Pinckney James, and for other purposes;

No. 381—An act providing for removing obstructions in the St. Joseph river in the counties of Elkhart and St. Joseph;

No. 297—An act for the location of a state road in the county of Brown;

No. 408—A joint resolution on the subject of a Lunatic Asylum;

No. 359—An act to amend (under certain circumstances) an act incorporating the city of Logansport, approved February 17th, 1838;

- No. 256—An act to provide for a state road therein named;
 No. 398—An act prescribing the mode of levying and collecting township taxes in the county of Dearborn;
 No. 305—An act for the relief of purchasers of lots in the town of Indianapolis;
 No. 294—An act for the benefit of Blackford county;
 No. 392—An act to incorporate the Rushville Band;
 No. 287—An act further to amend an act entitled an act relating to public roads and highways, approved February 17th, 1838;
 No. 288—An act to limit the time of holding the circuit courts in Vigo county;
 No. 418—An act for the relief of David Sutton, Sr.;
 No. 425—An act to repeal the 13th section of an act therein named, so far as it relates to the counties of Porter and Lake;
 No. 348—An act to regulate the duties of clerks of the circuit courts and county recorders;
 No. 404—An act vacating the town of Osceola, in St. Joseph county;
 No. 397—An act to change a part of a certain state road in Greene and Monroe counties;
 No. 360—An act to authorize the distribution of the road laws;
 No. 387—An act to legalize the acts of the probate courts and the county commissioners' courts in the county of Boone;
 No. 340—An act to incorporate the Michigan City Band;
 No. 261—An act entitled an act to amend an act to incorporate the town of Newport in Wayne county, approved February 7, 1835;
 No. 396—A bill amendatory of an act entitled an act authorizing the appointment of constables and defining their duties, approved Feb. 17, 1838;
 No. 352—An act appointing commissioners to locate and relocate state roads therein named;
 No. 362—An act supplementary to an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d of June, 1836, approved Feb. 6th, 1837;
 No. 376—An act making specific appropriations for the year 1842.
 No. 378—An act to provide for the partition of the real estate of Joseph McAlister, late of Vanderburgh county, deceased;
 No. 191—An act to legalize the acts and proceedings of the board of Tippecanoe county and for other purposes;
 No. 199—An act for the location of a certain state road therein named;
 No. 241—An act to authorize the opening of a certain alley in the town of Indianapolis;
 No. 201—An act to amend an act entitled an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839;
 No. 96—An act to amend an act entitled an act prescribing the duties of county auditor, approved Feb. 12, 1841;

- No. 196—An act to amend an act granting to the citizens of Madison and Lawrenceburgh, a city charter;
 No. 242—An act fixing the time of holding courts in the first judicial circuit;
 No. 242—An act relative to the duties of state agent;
 No. 232—An act to provide for opening [and] repairing public roads and highways, in the counties of Gibson and Pike;
 No. 119—An act for the relief of the inhabitants of school district No. (4) four in congressional Township No. (2) two, north of range No. (1) one, west in, Orange county;
 No. 237—A joint resolution providing for the preservation of [the] manuscript journals of the Senate and House of Representatives;
 No. 389, an act to incorporate the Garrick Literary Institute;
 No. 131, an act amendatory of the acts now in force on the subject of notaries public;
 No. 371, an act to compel speculators to pay a road tax equal to that paid by actual settlers;
 No. 283, an act to amend an act to provide for the sale of certain lands therein named, approved February 2, 1833;
 No. 338, an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes;
 No. 171, an act to repeal part of an act converting the sinking fund, saline fund, college fund, surplus revenue fund and State Bank school fund into bank stock, approved February 15, 1841;
 No. 374, an act levying a tax for state purposes and for the gradual redemption of treasury notes;
 No. 384, an act to authorize Philip Mason to convey certain lots to Pinckney James, and for other purposes;
 No. 114, an act extending the provisions of an act entitled an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840;
 No. 425, an act to repeal the 13th section of an act therein named, so far as it relates to the counties of Porter and Lake;
 No. 408, a joint resolution on the subject of a lunatic asylum;
 No. 359, an act to amend (under certain circumstances) an act to incorporate the city of Logansport, approved February 17, 1842;
 No. 256, an act to provide for a state road therein named;
 No. 305, an act for the relief of purchasers of lots in the town of Indianapolis;
 No. 296, an act for the benefit of Blackford county;
 No. 411, an act empowering Henry Nelson and Mary M. Nelson, his wife, to convey certain real estate;
 No. 400, an act to legalise the change of the name of the town of Camden in Jay county;
 No. 364, an act to authorize the building of a bridge over Laselle's creek;
 No. 344, an act to create the fourteenth Branch Bank district;
 No. 299, an act taxing individual stock in the several Branches of the State Bank of Indiana, and for other purposes;

No. 394, an act to change a part of a state road therein named ;
 No. 65, an act amending an act entitled an act to authorise the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river, approved February 15, 1841 ;

No. 231, an act to authorise the building of a towing path bridge across the Wabash river at Carrollton in Carroll county, and for other purposes ;

No. 412, an act to create a state road therein named ;

No. 410, an act to change the name of the town of Columbia in Tippecanoe county ;

No. 324, an act for the relief of Abraham Perkins, collector of the state and county revenue in the county of Daviess for the year 1840 ;

No. 281, an act to amend an act entitled an act to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis Railroad Company to settle up and close their affairs, approved February 18, 1840, approved February 4, 1841 ;

No. 292, an act for the relief of the widow and heirs of John Reasoner, deceased ;

No. 285, an act to legalise a marriage therein specified ;

No. 401, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties therein named ;

No. 262, an act for the relief of Solomon Russel, late collector of Lake county, and his securities ;

No. 375, an act making general appropriations for the year 1842 ;

No. 373, an act to amend an act entitled an act concerning Knox county, approved January 28, 1839 ;

No. 403, an act repealing the 33d section of an act entitled an act to establish certain state roads therein named, and for other purposes, approved February 15, 1841 ;

No. 377, an act relative to the duties of Auditor and Treasurer of State ;

No. 405, an act to vacate the town of Castleton in White county ;

No. 372, an act to authorise the collection of state revenue in those counties which have failed to assess and collect the same for the year 1841 ;

No. 413, an act to authorise Elizabeth Cronk, a minor, to unite with her husband, Martin Cronk, in the conveyance of real estate ;

No. 422, an act to correct a misprint and to extend the time for the completion of the public printing ordered by the present Legislature ;

No. 418, an act for the relief of David Sutton, sen. ;

No. 388, an act to limit the time of holding circuit courts in the county of Vigo ;

No. 287, an act further to amend an act entitled an act relating to public roads and highways, approved February 17, 1838 ;

No. 256, an act to provide for a state road therein named ;

No. 298, an act prescribing the mode of levying and collecting township taxes in the county of Dearborn ;

No. 392, an act to incorporate the Rushville Band ;

No. 297, an act for the location of a state road in the county of Brown ;

No. 381, an act providing for removing obstructions in St. Joseph river in the counties of Elkhart and St. Joseph ;

No. 423, an act to amend an act in relation to county auditors ;

No. 428, an act for the relief of the purchasers of the 16th sections of congressional townships, and for the better securing the payment thereof.

No. 417, an act to vacate a part of the town of Flemingsburgh in Randolph county ;

No. 44, an act for the relief of the borrowers of the sinking fund, surplus revenue fund and other funds, and for the better securing of the payment thereof ;

No. 333, an act to change the mode of doing county business in the county of Washington ;

No. 224, an act to amend an act concerning insane persons, approved January 22, 1818 ;

No. 365, an act amendatory of the several acts regulating foreign and domestic attachment ;

No. 11, an act authorising the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation ;

No. 323, an act to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838 ;

No. 274, an act to incorporate the Peru bridge company.

Also, joint resolutions as follows :

No. 383, a joint resolution for the liquidation of a claim of the late Treasurer of State for duties rendered in relation to the Lawrenceburgh and Indianapolis Railroad Company ;

No. 433, a joint resolution requiring the state agent to give official bond and take an oath of office ;

No. 432, a joint resolution for the relief of Hugh O'Neal ;

All of which originated in the House of Representatives.

Mr. Wines of Vigo made the following report :

MR. SPEAKER :

The committee appointed on the part of the House to act with a similar committee on the part of the Senate, have waited on the Governor, and have received for answer that he has no further communication to make.

On motion of Mr. Chapman of Laporte,

Resolved, That the Senate be informed that the House of Representatives have gone through with their legislative business of the present session, and are now ready to adjourn *sine die*.

The following message was received from the Senate by Mr. Maguire, their secretary :

	Page.
On resolution in relation to public printers, -	82, 92, 93, 94
On engrossment, &c. of valuation law, -	113
On engrossment of bankrupt joint resolution, No. 28 -	117
On treasury note bill, -	119, 120
On bill abolishing imprisonment for debt, -	132
On passage of incorporation of the Logansport Pres. church, -	141
On bill of Senate, No. 40, on board of equalization, 162, 163, [190, 217, 235	
On bill No. 62, Wabash and Erie canal, -	166, 177, 264
On bill of the House, No. 103, -	170
On bill for relief of Fanny Howard, -	174
On bill No. 82, to licensing taverns, &c., -	175
On resolution to adjourn over for two days, -	189
On adjourning over, -	197
On bill to abolish public executions, -	206, 232
On bill No. 129, regulating fees and salaries, -	238
On resolution to adjourn <i>sine die</i> , -	245
On bill No. 144, to repeal city charter of Madison, -	249
On bill No. 150, for relief of Tipton, -	361, 251, 265, 349
On bill of House, No. 106, requiring members to account, -	252
On resolution granting use of Hall to Mr. Stewart, -	265
On bill No. 168 to regulate doctors, -	278
On resolution to grant use of Hall to Horticultural Society, -	279
On bill No. 176, to abolish imprisonment for debt, -	280
On resolution as to J. H. Elliott's compensation, -	285
On bill No. 134, as to duties of county auditor, -	289
On bill No. 80, in relation to fugitives from labor, -	290
On bill of the Senate, No. 79, as to board of equalization, -	292
On bill No. 177, vesting certain funds in bank stocks, -	366, 381, 304, 522
On resolution from Senate requesting the return of a bill, -	309
On bill of the House, No. 25, -	310
On bill of the House, No. 178, -	314, 324
On bill No. 42, to abolish imprisonment for debt, -	326
On bill No. 129, regulating fees, &c., -	328
On bill of the Senate, No. 83, as to board of equalization, -	332
On bill of Senate, No. 13, to prevent amalgamation, -	336
On adjournment, -	337
On bill of the House, No. 185, -	345
On bill of the House, No. 193, -	346
On bill to confine voters to their own townships, -	347
On bill to abolish public executions, -	348
On resolution to repudiate a part of State debt, -	356
On motion to reject joint resolution No. 239, -	357
On bill of the House, No. 211, -	359
On bill No. 213, for stay of execution, -	360
On motion to adjourn, -	362, 363, 364, 365
On joint resolution to appoint bank agent, -	368, 286

	Page.
On resolution respecting response of Speaker, -	375
On bill No. 253, for the relief of the people, -	376
On bill No. 179, as to jurisdiction of justices, -	379
On bill of the House, No. 116, -	382
On resolution to reduce salaries and fees, -	385
On passage of House bill, No. 250, -	389
On internal improvement bill No. 223, -	406, 407, 432, 437, 523
On resolution relating to McDougal's case, -	409
On rejecting, &c. bill No. 265, -	411, 515
On bill of the House, &c., No. 142, -	315, 458, 470, 602, 603
On bill No. 83, -	423
On bill of the Senate, No. 23, -	425
On bill of the House, No. 191, -	440
On petition from Miami county, praying impeachment of the clerk, -	446, 457
On bill of the House, No. 277, -	450
On joint resolution on subject of specie payments, No. 2, House of Representatives, -	472
On bill of the House, No. 96, Madison contractors, -	474
On bill of the Senate, -	484
On bill No. 344, in relation to a bank district, -	487, 594
On bill of House No. 44, for relief of borrowers of surplus revenue, -	489
On the subject of specie payments, -	492
On bill No. 122, to reduce compensation of members, -	499
On rejecting bill of the House, No. 358, -	509
On bill of the House, No. 360, -	510
On Governor's veto of bill No. 146, -	518
On bill for relief of Abraham Stipp, -	519
On motion to re-consider a resolution, -	531
On bill No. 303, -	532, 579
On bill No. 50, to prevent usury, -	534
On bill to repeal act for relief of Wilson -	542
On bill No. 328, -	543
On bill to print laws in the German language, -	545
On printing report of committee of ways and means, -	560
On resolution not to adjourn on 31st January, -	584
On bill of the House, No. 390, -	588, 638, 653
On bill of the House, No. 318, -	601
On bill of the Senate, No. 239, -	604
On bill No. 409, to reduce interest of surplus revenue, &c. -	605
On motion to reject bill of Senate, No. 241, -	624, 649
On bill relating to Knox county seminary, -	627, 654
On bill relating to interest on money, -	628
On bill of the House, No. 421, -	629
On bill No. 415, for relief of Griffin and Welch, -	634
On joint resolution No. 426, -	636
On joint resolution to repeal bankrupt law, -	637, 641

On joint resolution, No. 353, relative to Hugh and Robert Stewart, &c. -	Page. 639
On bill No. 241, subjecting equitable interest, &c. to execution, -	640
On joint resolution in relation to a fiscal agent, -	652
On bill of Senate, No. 242, to appoint attorney general, -	655

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
1	A bill to repeal certain laws therein named,	35	51	52	95	94	95
3	A bill to create the 12th judicial circuit, -	39	52	53	95		234
4	A bill in relation to jurisdiction of justices of the peace in Madison county, -		57	64	167	220, 241	
5	A bill to prevent amalga. of whites and blacks,	41	57, 88				
6	A bill fixing the pay of members of the legislature,	53	64, 145				
7	A bill to extend the time of holding prob. courts in Knox county, -	57	64, 89	131	178	220, 241	235
8	A bill providing for the prosecution of internal improvements, -	57					
9	A bill to incorporate the first Pres. church in Logansport, -	64	72, 123	140	284	316, 330	336
10	A bill to repeal part of 18th sec. of an act pointing out the mode of levying taxes, -	67	85, 142	200		201	
11	A bill authorizing the issue of \$5 treas. notes for redemption of 50's, -	67	76, 118		463	495, 531	679
15	A bill to repeal the 19th and 20th sections of an prescribing duties of county treasurer, -	72	76, 145				

16	A bill to amend an act regulating times of holding courts in 2nd circuit, -	72	86	132	179	220, 241	235
17	A bill to extend for a limited time, the 17th sec. of internal improvement act, -	72	86				
18	A bill to regulate jurisdiction of justices of the peace in Greene county, -	72	86	132	167	170, 190	188
19	A bill in relation to interest of money, &c., -	72	86, 397, 628				
20	A bill to increase the pay of probate judges, and for other purposes, -	73	86	132	179	220, 241	235
21	A bill to regulate the jurisdiction of magistrates in Hamilton county, -	74	86	132	179	220, 241	235
22	A bill declaring a divorce in a case therein named, &c., -	74					
25	A bill supplemental to an act subjecting real and personal estate to execution, -	78	104, 105, 113	309	331		337
25	A bill to repeal an act to incorporate the town of Princeton, -	79	117				
26	A bill to incorporate the Greenville band, -	79	117	132	284	316, 331	337
29	A bill to review and amend act therein named, -	84	118, 123	132	284	316, 331	336
30	A bill to reduce interest on surp. revenue, &c., -	85	118, 355, 396	142	408	430	439
31	A bill regulating jurisd. of justices in Knox co., -	85	118				
32	A bill relating to jurisdiction of justices in actions by and against corporations, -	85	117, 145	132	271	283	291
33	A bill to amend an act for promotion of schools in Clark's grant, -	85	117, 145	176	408	430	439
34	A bill granting a divorce to Fanny Howard, -	85	118, 146				
35	A bill for the relief of Charles Percell, -	79	117	176	284	316, 331	336
36	A bill to amend an act regulating jurisdiction of justices, -	85	129	176	284	316, 331	337
		85	129, 195				

BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLE.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
37	A bill to amend an act regulating taking up animals astray, &c., -	85	129, 135, 177				337
38	A bill to repeal an act for opening, &c. roads in Owen, Lawrence, &c., -	85	129, 148, 309	176		331	379
39	A bill to amend an act to incor. Orange guards, -	91	129	176	334	351	337
40	A bill for the relief of Nancy Close, -	92	129	176	284	316, 331	337
42	A bill abolishing imprisonment for debt, -	98	132, 326	133	268	338, 350, 358, 390	390
43	A bill for the relief of Pliny Hudson, -	98		132	199	220, 241	235
44	A bill for relief of borrowers of surp. revenue, &c., -	98	188	307	392	489, 530, 541, 600, [625, 632, 645	679
45	A bill to change a certain State road in Monroe county, -	99	130	176	284	316, 331	337
45	A bill to provide for collection of revenue in Vanderburgh county, for 1841, -	99		132	538	645	
47	A bill to amend an act rel. to licensing taverns, -	103	130, 143, 208, 255				
48	A bill to amend an act for the election of county assessors, -	103	130, 143				
49	A bill to regulate jurisdiction of justices in Dubois county, -	103	130	176	284	316, 331	337

50	A bill for the prevention of usury,	103	130, 424, 456	534			
51	A bill for raising wages of jurors, &c., before justices,	103	130, 222				
52	A bill regulating the duties of clerks and auditors,	103					
52	A bill providing for election of three school commissioners in Parke county,	103	130	176	371	380	390
53	A bill to repeal joint resol. concerning standing committees,	103	130, 136	176			
54	A bill to amend an act to distribute surplus revenue, &c.,	103	131, 144, 173				
55	A bill to create a fund for the support of the poor,	103	131, 180				
56	A bill to incorporate the Eel river Union Bridge Company,	103	122	176	442		475
58	A bill for the relief of Patrick Eagan,	108	131	176	268	283	291
59	A bill for the relief of members of Fire Company No. 1, in Fort Wayne,	108	131, 154	176	443	483, 536	522
60	A bill to amend an act defining the duties of recorders,						
61	A bill for the relief of Patrick Rush,	109	131, 147, 177	195			
62	A bill for the completion of W. and Erie Canal from Tip. river to Terre Haute,	109	131	177	268	283	291
63	A bill for the relief of Samuel Snoddy,	110	165, 177	178	263	270	269
64	A bill locating a State road in Clay county,	110	131	188	309	316, 331	337
65	A bill amending act to authorize payment of contractors on W. and E. Canal, &c.,	110	131	188	221	241, 253	250
66	A bill for the relief of Wm. McClure,	112	131	188	660		674
67	A bill to authorize special session of Marion circuit court,	112	131	188	403	430	439
		112		131	158	148, 170	167

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BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
68	A bill to provide for a cheaper mode of assessing Hamilton county,	112	131, 144	251	392	561, 602	673
69	A bill regulating duties of clerks and auditors,		131, 210				
70	A bill supplemental to act for prevention of frauds and perjuries,	122	140	188	442	462	475
71	A bill to revive an act to incorporate Mooresville,	123		188			
74	A bill to legalize the marriage of Wm. Gapin and M. G. Moore,	128	140	188	317	332, 367	379
75	A bill to amend act authorizing foreigners to hold real estate, &c.,	128	140, 194	207	495	535, 586	585
76	A bill amendatory of act providing for more uniform mode of doing county business,	129	140	188			
77	A bill to amend act regulating practice in chancery,	129					
78	A bill supplemental to act for selecting, &c. W. E. Canal lands,	135	186	192	353	367	390
79	A bill for the relief of the heirs of George Knox,	136	139, 186, 193				
80	A bill to amend act relating to fugitives from labor,	137	290				

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81	A bill to provide for an election of a justice in Jonesborough, - - - - -	137	186	192	334	351	380
82	A bill in relation to licensing taverns and groceries, - - - - -	137	174	175	309	316, 331	337
83	A bill to authorise the entry of confessed judgment in vacation, - - - - -	139	423				
84	A bill for the relief of owners of Indian reservations, - - - - -	143	187	192			
85	A bill to exempt certain persons from paying a poll tax, - - - - -	145	186				
86	A bill to amend an act regulating jurisdiction of justices of the peace, - - - - -	147	187	192			
87	A bill supplemental to an act to authorise the erection of a dam over White river in Lawrence county, - - - - -	153	256	326	623	666	672
88	A bill to incorporate the Muncietown and Fort Wayne Railroad Company, - - - - -	154	196	207	442	476, 476	477
91	A bill to amend an act to authorise the payment of contractors on the Wabash and Erie Canal, - - - - -	157	187, 193	263	592	620, 666	672
92	A bill to vacate part of the town of Wilmington in Clinton county, - - - - -	157	187	192	334	351	379
93	A bill to fix the time of holding the Marion circuit court, - - - - -	157	187	192	592	646	670
94	A bill to incorporate the Wayne and Randolph Turnpike Company, &c. - - - - -	157	211	272	464	537	586
95	A bill to exempt from taxation one hundred dollars worth of personal property, - - - - -	159	187	192			

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BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
96	A bill for the relief of contractors on the Madison and Indianapolis Railroad, - - - - -	160	187, 473	475			429
98	A bill to authorise Nathan Kirk to build a bridge on the Michigan road, - - - - -	161	187	192	371	404, 429	
99	A bill to divorce Perry Kelly from Fanny Ann Kelly, - - - - -	161					
100	A bill to change the mode of selecting petit jurors in Jackson county, - - - - -	161			179	220, 241	234
101	A bill to locate a state road in Bartholomew county, - - - - -	161	187	193	317	331, 367	379
102	A bill repealing the 18th, 21st and 23 sections of the act prescribing the duties of county treasurers, - - - - -	169		169	173	191, 198, 220	103
103	A bill relative to distribution of public arms, - - - - -	169					
104	A bill to locate a state road in Hancock and Hamilton counties, - - - - -	173	173, 180 187, 196	207	334	351	380
106	A bill requiring members of the General Assembly to account, &c., - - - - -	173	187, 193, 207, 213 [251]				

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107	A bill to provide for the election of a justice of the peace in Hamilton county, -	174	187	193	334	351	380
108	A bill to vacate the town of Benton in Hancock county, -	180	205	217	334	351	379
109	A bill to abolish public executions, -	185	206, 231, 109	217	334	351	379
110	A bill for the relief of the owners of certain lots in the town of Indianapolis, -	185	206	326	370	404, 429	429
111	A bill changing the mode of doing county business in Clay county, -	185	206	326			
112	A bill to limit jurisdiction of justices of the peace in Hendricks county, -	185	206	326			
114	A bill extending the provisions of an act for the relief of settlers on the W. & E. canal lands, -	196	206	326	651		675
115	A bill relative to the distribution of public arms, -	193, 206, 293	219	294	464	326, 537	587
115	A bill declaring the road from Winslow to Boonville in Warrick county a state road, -	196	216	326	370	404, 429	429
116	A bill supplemental to an act to provide for a revision of the laws, -	201	216	326	382	403, 430	439
117	A bill to provide for sale of lands belonging to minors, -	202	216	326			
118	A bill to prevent the forfeiture of school lands, -	203	216		419	430	438
119	A bill for the relief of inhabitants of school district No. 4, in Orange county, -	204	216	326			677
120	A bill to amend an act to distribute surp. revenue, -	203	238, 426, 499				
121	A bill to repeal an act for the preserv'n of sheep, -	204					
122	A bill to reduce compensation of members of General Assembly, -	204					
123	A bill fixing the times of holding circuit courts in the 9th judicial circuit, -	204			353	367	390

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BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
124	A bill to incorporate the Wabash bridge company, -	204	296	326	442	462	475
125	A bill for the relief of Cyrus Ball, -	205	255	327	444	483, 536	522
126	A bill to incorporate the White river Man. Co., -	205	297	327	370	404, 429	429
127	A bill to amend an act pointing out the mode of levying taxes, -	210	238	327			
199	A bill to amend an act regulating fees and salaries, -	212	238	328			
130	A bill on the subject of an appraisement law, -	212	248	327			
131	A bill relative to water pow. at the town of Delphi, -	212	248, 308	327	442	476, 476	476
132	A bill to amend an act authorising the appointment and defining the duties of constables, -	213	248	327	370	403, 429	429
133	A bill declaring a state road in Putnam and Parke counties, -	213					
134	A bill repealing, creating, &c., office of county auditor, -	214	248, 239				
135	A bill to provide for electing prosecuting attorneys by the people, -	215	256				
136	A bill to relocate part of a state road therein named, -	150					

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137	A bill to legalise the official acts of William Wallace, probate judge of Wells county,	215		328	370	390
138	A bill for the relief of the heirs and representatives of Martha Wilson, deceased,	215	248	328	353	397
139	A bill to legalize an election held in Jackson township, Putnam county,	215		328	353	367
140	A bill for the relief of Hugh and Robert Stewart,	223	149, 297, 329	330	392	417, 418
141	A bill to provide means for placing Silver creek bridge, &c.,	223	248	349		
142	A bill providing for the payment of a debt due the State Bank, &c.,	230	315, 343, 377, } 387, 414, 458, } 469, 487, 491, }			
143	A bill for the relief of the citizens of this State,	231	270			
144	A bill to repeal the city charter of Madison,	233	149			
145	A bill to repeal act defining duties of petitioners, &c.,	234	250, 290			
146	A bill relieving non-resident holders of land in Pike co. from paying tax for road purposes,	234	250, 352	349	444	483, 517, 520
147	A bill to amend act regulating practice in suits at law,	234	250, 319			
148	A bill to change the time of holding the probate courts in Greene county,	234	250	349	391	417
149	A bill to exempt probate judges from arrest,	242	277	348	443	463, 536
150	A bill for the relief of S. S. Tipton,	243	251, 265, 349, 361			
151	A bill to amend act respecting roads and highways,	244	277	349		
152	A bill for the relief of Huntington county,	244		325	493	535, 586
153	A bill to authorize the appointment of a commissioner in Boone county,	244	277, 299	350	391	417

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BILLS OF THE HOUSE OF REPRESENTATIVES--CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
154	A bill for the relief of certain persons therein named,	244					430
155	A bill to change part of a certain state road in Greene county,	245	277	350	391	417	430
157	A bill to provide for a settlement with Bowers and Lavhead, commissioners of White river bridge,						430
158	A bill declaring a certain name a misprint,		277	350	391	417	430
159	A bill for the relief of Abraham Stipp,		277	350	391	417	430
160	A bill to provide, &c., for distributing proceeds of public lands,		308, 519				
161	A bill to allow each county to send two students to the State University,	257					
162	A bill to amend act, &c., incorporating congressional townships, &c.,	258	277	350	391	417	429
163	A bill to establish a tobacco inspection in Point Commerce, Greene county,	261	277	350	367	464, 429	429
165	A bill granting pre-emption rights to settlers on W. and Erie Canal lands,	262	278	378			

166	A bill to amend an act amendatory to the charter of Michigan City, - - -	262	273	443	483, 536	523
167	A bill to locate a state road in Union and Franklin counties, - - -	262		350	417	430
168	A bill to regulate doctors, - - -	262	278			
169	A bill for the relief of the heirs of Daniel Lari- more deceased, - - -	263		263	283	291
170	A bill amendatory to an act concerning clerks, - - -	265	304	350	422	475
171	A bill to amend an act to provide for distributing surplus revenue, - - -					
172	A bill relative to the suspended debt due the State, - - -		304, 395	418		
173	A bill to amend an act to incorporate the several townships in Dearborn county, - - -	266	304			
174	A bill to attach an additional school district, &c., - - -	266	304	350	392	430
175	A bill to change the mode of selecting jurors in Lawrence county, - - -	268	304	350	392	430
176	A bill to abolish imprisonment for debt, - - -	269	304	350	592	671
177	A bill to repeal part of an act converting the sinking, saline, college, school fund and surplus revenue into bank stock, - - -	269	280		647	
178	A bill to repeal the 1st, 2d, 3d, 4th, 5th and 7th sections of an act to provide for payment of interest on public debt, - - -	271	304, 351, 362	366	521	381, 414, 541, 585, 602, 620, 632
179	A bill to amend act regulating jurisdiction, &c., of justices of the peace, - - -	271	324			
180	A bill to repeal part of an act to regulate salaries of Auditor, &c., - - -	272	315	379		
181	A bill concerning petit jurors in certain counties, - - -	274	315	378	443	522
		274	315		483, 536	

BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
182	A bill to amend an act prescribing the duties of county auditor, - - -	274	396, 456		623	666	672
183	A bill to remove the disability of Mary Ann Brewner, - - -	274	345, 397	418	495	535, 586	585
184	A bill authorizing John Callahan to build a bridge across Tanner's creek, in Dearborn county, - - -	276	340, 380	381	444	537	587
185	A bill for selecting and classing Wabash and Erie Canal lands east of Tippecanoe river, - - -	276	345	378	443	583, 536	523
186	A bill to regulate the duties of county assessors, - - -	277	345, 387, 419				
187	A bill for reducing the expenses of Monroe and Brown counties, and for selecting petit jurors therein, - - -	277	344	378	443		475
188	A bill to establish female district schools in certain cases, - - -	292	344	378			
189	A bill to amend an act for selection of grand and petit jurors, - - -	293	344	418			
190	A bill to authorize certain persons to build a bridge across Kankakee, - - -	294	344	418			

191	A bill to provide for the election of prosecuting attorneys by the people,	294	315, 440	441		
192	A bill to repeal part of an act, &c. for regulation of Indiana university,	295	344	418		
193	A bill relative to the places of voting in the several counties in this State,	295	346			439
194	A bill exempting the Vincennes fire company working on roads,	295		346	408	430
195	A bill fixing the time of holding courts in the 4th judicial circuit,	297	347	418	539	670
196	A bill to authorize the president judge of third circuit to hold an extra term in Dearborn county,	298	347	418		585
197	A bill restricting voters in their own townships,	299	347		535, 586	
199	A bill for the location of a certain State road therein named,					674
200	A bill to amend an act declaring Patoka a public highway,		358	443	462	475
201	A bill to amend an act for the relief of John Rodolph Fischli,					676
202	A bill providing for the reduction of the per diem allowance to members,		359			
203	A bill to vacate the town of Richardville, in Huntington county,		358	418	493	587
204	A bill to vacate part of a State road, &c. to declare a portion of a co'ty road a State road,		358	419	495	585
205	A bill to divorce Fleming Huebanks from E. Huetanks, his wife,	308				
206	A bill for the relief of James R. McCord,	308		358	443	475
		314				

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BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLE.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
207	A bill to incorporate the Delphi storage and forwarding company,	314	334	419	493	535, 586	585
208	A bill defining the southern boundary of Miami county,	319	340	419	493	519	
209	A bill for the location of a State road in the counties of Porter, &c.,	320					
210	A bill for the location of the seat of justice in the county of Benton,	321	358, 424	514			
211	A bill declaring a divorce in a certain case therein named,	321	359	360			
212	A bill to facilitate proceedings in actions at law,	321	360, 448, 515, 638				
213	A bill for the stay of execution,	323	360				
214	A bill to amend an act locating a certain State road,	323		497	622	666	672
215	A bill for the relief of Samuel H. Bratton,	323		390	403	417	430
216	A bill reducing the salaries of associate judges,	323	361				
217	A bill to prevent the use or adoption of county seminaries as district school houses,	323					

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218	A bill to amend an act to incorporate the trustees of Daviess county seminary,	323	399				672
219	A bill to amend an act relating to public roads,	323	383	513	622	666	672
220	A bill declaring a certain name a misprint,	323	361	513	622	666	671
221	A bill to amend an act establishing seats of justice in new counties,	323	361	513	621	667	
222	A bill to amend an act relative to crime and punishment,	323		395			
223	A bill to provide for the continuation, &c. of the public works,	332	404, 431, 437, 487	436	523	538, 644	635
224	A bill to amend an act concerning insane persons,	340			621		679
225	A bill to provide for the election of a justice of the peace in St. Louis, Bartholomew co.	341	361		621	667	672
226	A bill to amend an act declaring Patoka a public highway,	342	361	514	539	645	671
227	A bill to regulate the summoning of petit jurors in Dearborn county,	343	361	514	623	647	670
228	A bill to amend an act regulating practices in suits at law,	343	399	400			
229	A bill to incorporate the trustees of the Laporte university,	343	354		443	462	475
230	A bill to authorize the board of Kosciusko county to rescind an order by them made,	343	361	514		647	670
231	A bill to build a towing path bridge across the Wabash river at Carrollton,	343	401, 402, 428		657		674
232	A bill supplemental to an act subjecting real and personal estate to execution,	343	362, 399				

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BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
233	A bill to amend an act prescribing the mode of doing county business, &c.,	343	372, 513, 520		622		
234	A bill to amend an act prescribing the duties of county auditor,	343	396	397			
235	A bill to amend an act providing for electing county and township officers,	352		398			
239	A bill for the relief of George Miller, of Johnson county,	372					429
240	A bill authorizing the administrator of M. H. Kempton to bring cert. suits in Perry co.	373	388	372	392	417, 667	
241	A bill to subject equitable interest in real property, &c. to payment of debts,	373	388, 532, 640	514	622	667	672
243	A bill to re-locate a part of a State road therein named,	374	388				
244	A bill to legalize the proceedings of the board of commissioners of Spencer county,	374	395	514	622	647	670
246	A bill to repeal an act regulating damages in protested bills of exchange,	376	388, 468	508			

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247	A bill to amend the 30th sec. of justices act,	376	388						
248	A bill to amend an act for distributing so much of the surplus revenue of the United States,	376	399		497	622		673	
249	A bill to amend the charter of Lawrenceburgh and Napoleon turnpike company,	376	426		496				
250	A bill to repeal part of the law requiring issue of marriage license,	376	388						
251	A bill to amend an act relating to crimes and punishments,	376	397						
252	A bill for the relief of the tax payers of Fayette county,	376	413						
253	A bill for the relief of the people,	376							
254	A bill to declare a certain road in Wabash co. a State road,	377	426		512	622	647	670	
255	A bill relative to carrying out the water power at Wabash dam, No. 4,	384	451						
256	A bill to provide for a State road therein named,	384			514	622		676	
257	A bill to confine the voters of Hamilton, Steuben, Dekalb, Union, Franklin, St. Josephs, and Cass to their townships,	386	412		440	539	645	671	
258	A bill,	387							
259	A bill for the relief of William Alexander,	398			398	402	404	418	
260	A bill,	401							
261	A bill to amend an act to incorporate the town of Newport, in Wayne county,	402			512	659		672	
262	A bill for the relief of Solomon Russell, late collector of Lake county, and his sureties,	402			514	657		675	
263	A bill for the relief of John Tate,	402	449		515	622	647	670	
264	A bill,	411							

BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
265	A bill to equalize the value of lands, &c, in the several counties, &c.	411	515				
266	A bill to provide for selecting petit jurors in Laporte county,	414		440	539	645	671
267	A bill to provide for the return of process in Shelby circuit court, for March term, 1842,	420		420	431	431	438
268	A bill to fix times of holding courts in the county of Fountain,	420					
269	A bill to amend an act to fix the times of holding courts in the 5th judicial circuit,	420		420	444	486, 600	609
270	A bill to extend the times of holding cir. courts in Clay county,	420					
271	A bill to amend an act dividing the State into judiciary circuits, and fixing the times for courts,	420					
272	A bill rela. to licensing groceries in Carroll co.,	421		513	593	535, 586	585
273	A bill to vacate part of Grimes' addition to the town of Delphi, Carroll county,	421		513	623	667	673
							672

274	A bill to incorporate the Peru bridge company,	421	486	651	679
275	A bill to amend an act to authorise the election of a justice of the peace and constable in Washington county,	421	516	621	671
276	A bill for the relief of Hervey Laseur and S. S. Vickey,	422			
277	A bill to provide for the preservation of the southern end of the Central canal,	422	450, 515	593	670
278	A bill to provide for the partition of the real estate of Joseph M'Allister,	422	482	622	
279	A bill to locate a state road from Peru to Noblesville,	422	513	621	671
280	A bill relative to the b'd of comm'rs of Knox co.,	422		667	
281	A bill to amend an act for the Lawrenceburgh and Indianapolis Railroad company to settle up,	422	505		675
281	A bill amending an act directing mode of suing out <i>habeas corpus</i> ,	422	501		
282	A bill to regulate the fees of notaries public,	422	513		
283	A bill to amend an act to provide for the sale of certain lands therein named,	422	508, 583	657	677
284	A bill to amend an act relative to crime and punishment,	422	466, 513		
285	A bill to legalise a marriage therein specified,	422	516	650	669
286	A bill to amend an act allowing further time to Lawrenceburgh Railroad Company &c.,	424	516	650	
287	A bill further to amend an act relative to public roads and highways,	425	512	660	676
288	A bill to incorporate the New Albany patent bagging manufacturing company,	426	511	623	671

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BILLS OF THE HOUSE OF REPRESENTATIVES — CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
289	A bill for the relief of John Brown,	428		513	623	647	669
290	A bill to provide for the election of a justice of the peace in Clark county,	428		511	621	667	672
H 291	A bill authorising the furnishing of hydrant water to the town of Attica,	449		451	493	535, 586	586
292	A bill for the relief of the widow and heirs of John Reasoner, deceased,	449	516		650		675
292	A bill for the relief of the owners of certain lots in Bloomington,	449					
294	A bill for the benefit of Blackford county,	450		609	493	535, 586	585
295	A bill to repeal part of an act for the location of a state road, &c.,	450	516	515	650		676
296	A bill to erect that part of Charlestown southwest of Walnut street, &c.,	451	516, 639				
297	A bill for the location of a state road in the county of Brown,	452		515	621		675
298	A bill prescribing the mode of levying and collecting taxes in Dearborn county,	452	516	610	658		676

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299	A bill taxing individual stock in the several Bran-	453	515	660	674
300	of the State Bank, - - - - -	453	453	493	587
301	A bill to amend an act to incorporate the town	453			
	of Terre Haute, - - - - -	456	456	539	671
302	A bill fixing the time of holding circuit courts in	469			
	Madison county, - - - - -	532, 578			
303	A bill to vacate Duret street in the the Godfrey	478	478	592	669
	addition to the town of Peru, - - - - -	478	563	651	676
304	A bill supplemental to an act subjecting real and	478			
	personal property to execution, - - - - -	478	478	593	669
305	A bill relative to a dam and lock in Elkhart river	478			
	in Elkhart county, - - - - -	478	542	646	
306	A bill for the relief of purchasers of lots in the	478			
	town of Indianapolis, - - - - -	478			
307	A bill to legalise the assignment of certain pur-	478			
	chasers of school lands in Hancock county, - - - - -	478			
308	A bill for the relief of purchasers of school lands	478			
	in St. Joseph county, - - - - -	478			
309	A bill to repeal an act for the relief of Andrew	478			
	Wilson, &c., - - - - -	478			
310	A bill to amend an act prescribing duties of coun-	478			
	ty auditor, - - - - -	478			
311	A bill to provide for summoning and empannelling	478			
	grand and petit jurors in the counties of Allen,	478			
212	Hamilton, &c., - - - - -	478	593	667	671
	A bill to incorporate the Hoosier Co. of Clark co.,	478	514	621	671
	A bill to direct the fencing of the grave yard on	478			
	the poor farm in Marion county, - - - - -	478	478	622	669
313	A bill regulat'g juris'n of justices in Spencer co.,	478	478	623	669

BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
314	A bill changing the time of holding probate courts in Clay county, - - - - -	478		478	622	667	671
315	A bill to extend the provisions of an act for the preservation of sheep, - - - - -	478		479	623	647	670
316	A bill to amend an act to provide for the mode of doing township business in Miami county, - - - - -	479		479	622	667	672
317	A bill to repeal a joint resolution therein named, - - - - -	479					
318	A bill sup. to an act authorising the appointment of constables, - - - - -	479		479	601	667	
319	A bill for the relief of the citizens of Hamilton co., - - - - -	479	512, 610	479	621	667	671
320	A bill to locate a state road in Clay county, - - - - -	479		479	593	646	670
321	A bill to give corporate powers to the county of Brown, - - - - -	479		479	621	647	670
322	A bill to provide for refunding money paid by purchasers of lots in Evansville, - - - - -	479		479	622		679
323	A bill to amend an act to provide for a more uniform mode of doing township business, - - - - -	479		479			

324	A bill for the relief of Abraham Perkins, collector of state and county revenue, Daviess county,	479	479	623	675
325	A bill concerning the Union county seminary,	479	479	623	670
326	A bill for the relief of the late collectors of state and county revenues of Orange county,	479	479	622	671
328	A bill to amend an act subjecting real and personal property to execution,	480	543		
330	A bill for the suppression of muskrats,	480			
331	A bill to incorporate the Jefferson fire engine and hose company,	480		622	673
332	A bill supplemental to an act subjecting real and personal property to execution,	480	561		
333	A bill to change the mode of doing county business in Washington county,	480		623	679
334	A bill declar'g a county road a state road in Owen, Clay, Putnam and Clark counties,	480		623	671
335	A bill to amend an act establishing office, &c., of notaries,	480			
336	A bill to amend an act to organise probate courts,	480			
337	A bill to authorise Jno. Bates, Jared A. Ball & Co. to build a mill dam across St. Joseph river,	481		622	670
337	A bill concerning clerks,	481			
338	A bill to authorise the leasing of water power at Pittsburgh, Carroll county,	481		651	677
339	A bill to authorise the board doing county business in Tippecanoe county to establish a ferry,	482		621	671
340	A bill for the relief of the late collector of Fayette county,	484		622	670

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other Proceedings.	Approved.
341	A bill for the benefit of a private school in Marion county,	485		621		667	671
342	A bill to authorise the opening of an alley in Indianapolis,	485	487	485			
343	A bill appointing commissioners in Spencer and Perry counties,			485	623		673
344	A bill to create the fourteenth Branch Bank dis't,	487		394	651		677
345	A bill to authorise the children of Joseph Richardville to inherit the prop'ty of their ancestors,	496		497	621	647	
345	A bill relative to the coroner of Martin county,		655				
346	A bill to prevent the use of Franklin county seminary as a district school-house,	497		497	621	647	670
347	A bill to amend an act for the appointment of trustees to receive deeds for lots,	497		497	623	668	671
348	A bill to regulate the duty of clerks of the circuit courts and county recorders,	497		562	657	660	676
349	A bill to reduce compensation of certain officers,	501					
350	A bill to am'd act relative to crime and punishm't,	502					

BILLS OF THE HOUSE OF REPRESENTATIVES — CONTINUED.

351	A bill for the relief of the school commissioner of Greene county, - - -	503		503	622	667	672
352	A bill appointing commissioners to locate and re-locate state roads, - - -	505			610	649	673
354	A bill for the relief of David Negley and Joel Lambert, - - -	505	510				
355	A bill for the relief of James B. Johnson, - - -	506					
356	A bill to amend an act to improve the breed of cattle, &c., - - -	506	631				
357	A bill to repeal an act therein named, - - -	508			508		
358	A bill, - - -	509					
359	A bill to amend an act incorporating the city of Logansport, - - -	509			509	622	675
360	A bill for the relief of Sarah Smith of Greene county, - - -	509			510	601	671
362	A bill supplementary to an act for distributing so much of the surplus revenue, - - -	511			511	621	674
363	A bill to exempt the lands of revolutionary soldiers from taxation, - - -	511			511	622	672
364	A bill to authorize the building of a bridge over Lasselle's creek, in Miami county, - - -	511	563		606	657	675
365	A bill amendatory of the several acts regulating foreign and domestic attachments, - - -	511			625	658	679
366	A bill to authorize the distribution of the road laws, - - -				534	651	
367	A bill to regulate jurisdiction of justices in Lawrence county, - - -	519			534	593	670
368	A bill to provide for the assessor of Harrison co. to qualify, - - -	520			520	622	670

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BILLS OF THE HOUSE OF REPRESENTATIVES — CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
369	A bill to amend an act incorporating congressional townships and providing for public schools, - - -	531		531	593	646	670
371	A bill to compel speculators to pay a road tax equal to that paid by actual settlers, - - -	537		538	651		677
372	A bill to authorize the collection of State revenue in those counties which have failed to assess, - - -	543		543	650		675
373	A bill for the relief of the late collectors of State and county revenue, - - -	544		610	645	667	672
374	A bill levying a tax for State purposes, and for the redemption of treasury notes, - - -	560	592	600	657		677
375	A bill making general appropriations for the year 1842, - - -	560	592	600	633		674
376	A bill making specific appropriations for the year 1842, - - -	560	592	600	633	656	672
377	A bill relative to the duties of Auditor and Treasurer of State, - - -	560	592	600	650		675
378	A bill for the relief of W. W. Read, - - -	576	631				

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379	A bill to encourage the growth and manufacture of silk,	597			670
380	A bill authorizing the boards of Warrick and Spencer counties to appoint viewers to view a road,	580	623	647	675
381	A bill providing for removing obstructions in St. Joseph river,	582	658		675
382	A bill relative to the Knox county seminary,	582	658		670
384	A bill to authorize Philip Mason to convey certain lots to Pinckney James,	585	623	647	673
385	A bill for the location of a state road in Kosciusko county,	585	623	647	677
386	A bill to regulate the duties of justices of the peace,	585	623	647	678
387	A bill to legalize the acts of probate and county commissioners' courts of Boone county,	587	658		678
388	A bill to limit the time of holding circuit courts in Vigo county,	384	657		677
389	A bill to incorporate the Garrick Literary Institute,	588	658		678
390	A bill to authorize the construction of a railroad,	588	638, 653		678
391	A bill for the relief of certain persons therein named,	589			678
392	A bill to incorporate the Rushville Band,	589	650		678
393	A bill to amend an act concerning Knox county,	589	650		678
394	A bill to change a part of a state road therein named,	589	650		678

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
395	A bill to repeal an act to relocate part of a state road therein named,	589					672
396	A bill amendatory of an act authorizing the appointment of constables,	589		589	658		673
397	A bill to change part of a state road in Greene and Monroe counties,	589		589	650		
398	A bill to amend act granting tavern and grocery licenses,	589					
399	A bill to reduce compensation of members of the Genl Assembly, &c.,	589					
400	A bill to legalize the change of the name of Camden, in Jay county,	589		590	650		675
401	A bill to amend an act to regulate the mode of doing county business,	590		615	650		675
402	A bill for the incorporation of Washington, Daviess county,	590					
403	A bill to repeal the 33d section of an act to establish certain state roads,				650		675

403	A bill repealing the 33d section of an act to establish certain state roads,				678
404	A bill vacating the town plat of Osceola, in St. Joseph county,	590	590		672
405	A bill to vacate the town of Castleton, in White county,	590	590	650	675
406	A bill regulating tavern licenses in Allen county,	590			
407	A bill to change the boundaries of the incorporation of Indianapolis,	590			
409	A bill to reduce the interest on the surplus revenue, &c.,	605	605		
410	A bill to change the name of the town of Columbia, in Tippecanoe county,	605	605	650	675
411	A bill empowering Henry Nelson and Mary M. Nelson to convey real estate,	606	606	658	675
412	A bill to locate a state road therein named,	606	606	650	675
413	A bill to authorize Eliz. Cronk and husband to convey real estate,	606	606	650	
414	A bill attaching part of Vigo county to the county of Clay,	606	634		
415	A bill for the relief of W. & G. Griffin and Morris Welch,	610			
417	A bill to vacate a part of the town of Flemingsburgh, in Randolph county,	615	616	650	679
418	A bill for the relief of David Sutton, Sr.,	616		657	676
419	A bill to amend act relative to practice in circuit courts,	620			
420	A bill to amend act incorporating congressional townships,	620			

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
421	A bill to locate a certain state road therein named,	625					
422	A bill to correct a misprint and to extend the time for the completion of the pub. printing,	620	625	620	650		675
423	A bill to amend an act in relation to co. auditor,	625		625	650		679
424	A bill to vacate the seat of justice of Pulaski co.,	635					
425	A bill to repeal the 13th section of an act so far as relates to Lake and Porter counties,	626		626	658		676
427	A bill to provide for the liquidation of the claims for work on Madison road,	629	637				
428	A bill for the relief of the purchasers of the 16th sections, &c.,	629		629	651		679
430	A bill to incorporate the Michigan City band,				657		672
430	A bill extending right of petition, &c.,	629	634				

BILLS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.
1	A bill to repeal a part of the rev. law now in force,	97	105, 200, 217	217	
12	A bill to amend an act regulating the taking up of animals going astray, and water craft, &c.	284	303, 320		338, 367, 390
13	A bill to repeal parts of act prohibiting the amalgamation of whites and blacks,				
16	A bill to amend an act to incorporate Greensburgh,	134	314, 325, 335, 344, [396	336	418, 430
17	A bill for the establishment of a State road in Fayette county,	134	139, 211	250	305
18	A bill to repeal a portion of joint resolution on the subject of Michigan road lands,				191, 198
19	A bill for the relief certain persons therein named,	105	136	176	241, 266
20	A bill for the relief of owners of Wabash and Erie canal lands,	134	139	176	240, 266
21	A bill to authorize associate judges to hold probate court in Ripley county,	371		439	464, 495, 600
22	A bill to amend an act incorporating the Richmond trading and manufacturing company,	88		105	117, 127
23	A bill to amend an act concerning proceedings in ejectment, and for relief of claimants of land,	197	205, 217	295	331
		284		425	483, 536

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25	A bill to legalize the election of Mason Palmer, formerly a justice of peace in Davies county,	220	248	325	367, 390
26	A bill to incorp. the Greenville band of musicians,				
26	A bill to define more particularly the duties of commissioner 3 per cent. fund in Davies county,	168	186	192	241, 266
27	A bill to vacate an alley in the town of Lebanon,	134	140	176	241, 266
28	A bill for the relief of borrowers of school and surplus revenue funds,	179	307		
29	A bill for the relief of certain persons therein named,	199	216, 295	325	338, 404, 428
30	A bill to compel speculators to pay a road tax, &c.	134	140, 186, 205	439	464, 537
31	A bill applying cert. funds to purposes of education,	284	396, 483	484	531, 591, 649
32	A bill to repeal an act incorporating Washington county seminary,	134	140, 186	192	140, 267
33	A bill to change the time of holding probate courts in Orange county,	134	140, 186	192	241, 267
35	A bill to amend an act regulating the mode of doing county business,	134	140, 186, 256, 326 [340		380
37	A bill to legalize the proceedings of H. Lapham to survey and locate a State road in Boon co.	168	186	192	241, 267
39	A bill for the relief of the heirs of C. A. Dumaree, deceased,	168	210	250	305
40	A bill organizing the State board of equalization on more economical principles, &c.	128	129, 157, 158, 162, 170, 190, 205, 217, [235		
41	A bill to amend an act regulating practices in chancery,	199	215, 398		
42	A bill to amend the school law,	199	215, 272		
43	A bill to amend an act relat. to county seminaries,	199	258	326	367, 390
44	A bill supplemental to an act to provide for keeper of the State house and library,	284	303	583	

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BILLS OF THE SENATE—CONTINUED.

Number.	TITLES.	Reported from Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.
45	A bill to provide for the distribution of the laws of Congress to the several counties,	199	215	250	271, 305
45	A bill to provide for the further relief of purchasers of seminary lands in Gibson county,	284	395	439	464, 483, 539
48	A bill for the relief of Samuel D. Gresham, collector of Carroll county,	311		326	367, 390
49	A bill to declare a certain county road therein named, a State road,	199	216	250	
51	A bill declaring a certain name a misprint,		216	250	305
52	A bill declaring a certain road therein named a public highway,	199	216	251	305
56	A bill to provide for selecting petit jurors in Hendricks county,	284	304, 309, 353	353	404, 429
57	A bill to repeal an act incorporating a seminary in Gibson county,	199	216	251	305
58	A bill to amend an act incorporating Congressional townships,	284	304, 398	439	537
59	A bill to repeal an act to provide for settlement of suspended claims, &c.,	284			

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60	A bill to repeal so much of an act as provides for converting the college fund into bank stock,	311	344	605	
62	A bill to amend an act incorporating Congressional townships, &c.	179	205	217	283
64	A bill to change the time of holding the cir. court in Madison county,	179		192	241
66	A bill to authorize the reception, &c. of proceeds of public lands,	392	457		
68	A bill to amend an act pointing out the mode of levying taxes,	312	344	378	
69	A bill re-organizing the several judicial circuits,	317	401		
70	A bill authorizing State treasurer to pay over surplus revenue to the counties of Dekalb, Wells, and Lake,				
72	A bill for the relief of the heirs of Robert Blair, deceased,	312	344, 378, 389	439	537
73	A bill to incorporate the White Water Valley canal company,	312	344	378	404, 429
77	A bill to amend an act for the regulation of the State prison,	334	413	428	438, 476, 476
78	A bill to amend an act to incorporate the Indiana mutual fire insurance company,	312	394, 496		514, 587, 587
79	A bill to re-organize State board of equalization,	312	354	439	537
80	A bill to amend certain acts therein named,	291	344	378	404, 429
81	A bill repealing so much of revenue laws as relates to travelling fees, &c.	312	542		
82	A bill to change the mode of doing county business in the county of Davies,	312	344	378	404, 429
83	A bill repealing the State board of equalization,	317	332	333	367, 390

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BILLS OF THE SENATE—CONTINUED.

Number.	TITLES.	Reported from Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.
85	A bill to legalize the election and official acts of the probate judge of Fulton county, -	317	344	378	404, 429
86	A bill to extend the time of holding probate courts in Jefferson and Washington counties, -	317	344	378	404, 429
89	A bill to incor. the Martinsville band of musicians, -	443		516	
90	A bill to repeal an act authorizing Thomas S. Hinde to establish a ferry, -	371	404	514	587, 623
91	A bill for the appointment of a commissioner to make deeds, -	443	516	610	
92	A bill to prevent further sale, or hypothecation of bonds by any commissioner or agent of the State, -				
94	A bill to legalize the election and official acts of probate judge of St. Josephs county, -	353	387, 412	514	587, 628
96	A bill to amend an act prescribing duties of county auditor, -	318	344	378	430
98	A bill to amend an act to incorporate the city of Richmond, Wayne county, -	408	456	609	
99	A bill to fix the fees of sheriffs in certain cases therein mentioned, -	318	345, 354	515	587, 628
				439	464, 483, 536

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100	A bill for the relief of John W. Hitt and others, -	353	387	429	483, 536
101	A bill to amend an act for the relief of the poor, -				
102	A bill to amend an act for the relief of the poor, -	443	516	610	669
103	A bill supplemental to act regulating practice in suits at law, -	353	387, 468		
104	A bill to authorize agents of surplus revenue to dispose of lands bid off on behalf of the State, -				
104	A bill to amend act pointing out mode of levying taxes, -	392	468	514	587, 629
105	A bill to amend an act for the preservation of sheep, -	353	387	419	476, 476
106	A bill to amend the several acts incorporating the Lawrenceburgh bridge company, -	353		439	483, 536
108	A bill to amend an act to secure purity of elections, -	311		311	325, 341, 380
109	A bill for the relief of the inhabitants of a school district in Orange county, -	353	387	439	476, 476
111	A bill for better security of college and seminary funds, -	593		593	
114	A bill to reorganise the first judicial circuit, &c., -	371		503	538
116	A bill concerning criminal practice, -	442	466, 513	578	599, 620
117	A bill for the more effectual suppression of extortion, -	371	456	515	587, 629
118	A bill to change the name of Austin Bush, -	371	512, 640		
119	A bill to amend an act regulating writ of <i>ad quod damnum</i> , -	353		354	404, 429
120	A bill to amend the several acts in relation to the surplus revenue -	443	516	610	
122	A bill to relocate so much of a state road from Freedomia to mouth of the Wabash as lies in Warrick county, -	371		609	669
123	A bill giving further time to assessors, -	353	388	439	600
124	A bill authorising the recorder to correct the records of Noble county in a certain case therein named, -	317	358	439	483, 536
		371	512	610	

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BILLS FROM THE SENATE—CONTINUED.

Number.	TITLES.	Passed Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.
125	A bill giving collector of Deatur county for the year 1840 further time to collect the balance due him,	353	388	439	599
127	A bill to vacate a part of the town of Crawfordsville,	371		511	645
128	A bill supplemental to an act organising circuit courts and defining their powers and duties,	464	561	609	
131	A bill amendatory of acts now in force on the subject of notaries public,	382	512	626	666
132	A bill changing mode of doing county business in the county of Putnam,	371			
133	A bill to legalise the sale of a certain school section therein named,	382	512	610	669
134	A bill amendatory of act organising probate courts and defining the powers and duties of executors, &c.,	443	516	609	
136	A bill to provide for the election of a commissioner on Wabash and Erie canal, west of Tippecanoe river,	419	451		537
137	A bill incorporating the Vincennes Historical and Antiquarian Society,	382		511	644

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138	A bill to amend an act for incorporation of county libraries,	408	515		
140	A bill for the benefit of the legal heirs of Chas. Phillips, deceased,	371	395	418	475
141	A bill for the relief of Erastus D. Townsend,	371	512	610	
143	A bill to amend act to incorporate Vevay, &c. turnpike companies,	443		505	645
145	A bill relative to the Vevay seminary,	382		439	476, 476
146	A bill relative to exchange brokers,	392		545	
147	A bill to amend act to incorporate Indiana Manufacturing Company,	443	516	610	
149	A bill to amend act relating to public roads and highways,	443	516		644
150	A bill giving certain authority to seminary trustees of St. Joseph county,	408			475
151	A bill to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Co.,	442		442	476, 476
153	A bill authorising sale of the sixth chain reservation of land bordering on Wabash and Erie canal,	443		545	646
154	A bill for the relief of borrowers of loan office funds of the State,	402		402	417
154	A bill to incorporate trustees of New Albany Theological Seminary,	444			
155	A bill to vacate certain lots in the town of Edinburgh in Johnson county,	443		507	644
156	A bill to provide for printing laws in German language,	444		518	587
158	A bill amendatory of the several acts in relation to crime and punishment,	495	545		614

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BILLS FROM THE SENATE—CONTINUED.

Number.	TITLES.	Passed Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.
161	A bill fixing times of holding courts in seventh circuit,	539		541	
164	A bill to incorporate the citizens' band in the county of Daviess,	593		593	
165	A bill providing for sale of certain school lands in Fayette county,	443		444	537
167	A bill to repeal a portion of act regulating salaries of Auditor, &c.,	494	515		
169	A bill to incorporate Indianapolis, &c. Railroad Company,	492		564	646
170	A bill to incorporate the town of Muncietown, Delaware county,	593			669
175	A bill for the relief of certain persons therein named,	493		514	
176	A bill relative to duties of commissioners of three per cent. fund,	494			
177	A bill to amend act to incorporate the town of Wilmington in Dearborn county,	444		610	
178	A bill to change the time of holding courts in Jay co.,	463		463	537

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179	A bill supplemental to act authorising the appointment and defining the duties of constables,	463			537
180	A bill in relation to the Marion county library,	464		563	590
181	A bill to incorporate the Franklin turnpike company,	539		540	
182	A bill to legalise the election of trustees of the town of Vevay,	539		540	646
183	A bill to provide for the sale of certain lands, &c.,	539			
184	A bill to vacate the town of New Hartford in White county,			610	669
185	A bill relocating part of old state road between Middle Fork and a certain point in Jefferson county,	445	519	610	
186	A bill to legalise the acts of the president, &c. of Greencastle,				
187	A bill declaring a certain word a misprint,	530		530	645
189	A bill for the relief of the widow, heirs, administrators and securities of James H. Wallace, deceased,	539		540	646
190	A bill to incorporate the Evangelical Lutheran and Reformed Church of Madison city,	592		632	
191	A bill to legalise the acts and proceedings of the board doing county business in Tippecanoe county,	539	635	632	669
192	A bill to vacate a certain state road in St. Joseph co.,	539		641	646
193	A bill for the relief of Elizabeth Ann McConnehay, alias Holmes,	539		540	646
195	A bill for procuring common school statistics,	660			
196	A bill to amend an act granting to the citizens of Madison and Lawrenceburgh a city charter,	651		651	
197	A bill to increase the private stock in the South Bend Branch Bank,	540		615	

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BILLS FROM THE SENATE—CONTINUED.

Number.	TITLES.	Passed Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other Proceedings.
198	A bill relative to a state road in Washington and Clark counties, - - - - -	494		494	599
199	A bill for the creation of a certain state road therein named, - - - - -	539		640	
201	A bill to amend an act for the relief of John Rodolph Fischli, - - - - -	592	625	638	653
202	A bill to authorise the board of trustees of Tippecanoe county seminary to sell and convey real estate, - - - - -	539		540	646
204	A bill to incorporate the Presbyterian congregation of Lafayette, - - - - -	593		593	
205	A bill amendatory of act relative to crime and punishment, - - - - -	539	615, 632		
206	A bill further to amend act for the prevention of frauds and perjuries, - - - - -	539		540	
207	A bill authorising Jefferson county commissioners to sell the poor farm, - - - - -	592		592	
208	A bill for the relief of trustees of Mount Salem church in Monroe county, - - - - -	494		494	600

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209	A bill to amend act to establish certain state roads therein named, - - - - -	494	512	610	
211	A bill to amend act relative to the surplus revenue of Carroll county, - - - - -	494		494	600
212	A bill relative to the public square in the town of Evansville, - - - - -	494		494	600
213	A bill to provide for a more uniform mode of doing township business in Jay county, - - - - -	494			
214	A bill to organise the militia of Indiana, - - - - -	494	562, 605	631	
215	A bill relative to the county of Benton, - - - - -	504	534		
216	A bill for the better regulation and management of certain trust funds, &c., - - - - -	593	632		
217	A bill for the relief of Ebenezer S. Hawley, former collector of Ripley county, - - - - -	492		492	600
219	A bill to amend act to provide for the improvement of Michigan road, - - - - -	530		530	645
220	A bill regulating jurisdiction of justices in Jay county, - - - - -	530		530	644
222	A bill to relocate a certain road in Daviess county, - - - - -	623		626	
223	A bill to keep in repair the Cumberland and Michigan roads, - - - - -	623		624	669
224	A bill to provide for the location of a state road in Ripley county, - - - - -	593		593	
226	A bill to authorise Elizabeth Neal and Thomas J. Neal to unite in the conveyance of real estate, - - - - -	593		593	
229	A bill for the relief of P. C. Dunning, assignee of Michael Keith, - - - - -	624		624	
230	A bill to change the name of Mary Smith to that of Mary Smith Chamberlain, - - - - -	538			669

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BILLS FROM THE SENATE—CONTINUED.

Number.	TITLES.	Passed Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other Proceedings.
232	A bill to provide for opening and repairing public roads and highways in Gibson and Pike counties, - - -	539		534	
234	A bill to provide for the survey of the town of Perrysville in Vermillion county, - - -	539		540	646
234	A bill to attach a part of Stark county to the county of Laporte, - - -	593		593	
235	A bill supplemental to act to relocate part of a state road therein named, - - -	623		624	
236	A bill relative to district schools in Orange county, - - -	623		624	
239	A bill for the relief of the borrowers of the sinking fund, - - -	604		604	
240	A bill to authorize the board of Hendricks county to rescind an order by them heretofore made, - - -	611		611	
241	A bill to authorize the opening of a certain alley in the town of Indianapolis, - - -	624	624, 635, 648	649	
241	A bill to amend an act defining duties of notaries public, - - -	658			

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242	A bill providing for the appointment of a State Attorney General, - - -	633	645, 654	655	659, 660
242	A bill fixing the times of holding courts in the first judicial circuit, - - -	640		640	

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JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
2	Relating to sale of property on execution,	38	57				95
12	In relation to the revenue of Marion county, -	68		68	84	86, 94	
13	Relative to the payment of principal and interest of suspended debt, -	72	85				
14	In relation to Blackford's reports in Lagrange county, -		86, 132, 177	213	334	351	380
23	In relation to the sale of personal property on execution, -						
27	In relation to a speedy resumption of specie payments, -	77		78	97	107	106
28	In relation to the extension of the provisions of the bankrupt law, -	84	117				
41	To provide for distributing acts of Congress, -	92	117, 259				
46	On the subject of the National road, -	103	129	176	284	316, 331	337
57	Relating to reduction of public lands, -	103	130	176	197	208	219
72	Respecting fugitives from justice, -	103	131	176			
73	On the subject of repealing or amending the bankrupt law, -	125	188	192			
89	In relation to Green River Island, -	128	140	207			
		154	194				

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90	To sell the six chain reservation, -	157	187	192			250
97	For the relief of Alexander Beard, -	160	187	192	221	193, 241, 254	
113	In relation to the Wabash and Erie Canal lands, -	195	207				
128	Concerning the North Eastern boundary, -	211	238	328			
156	In relation to a fiscal agent of the United States, -	247	277, 652				
164	Concerning investigating committee, -	262	278				
198	In relation to the harbor of St. Joseph at Lake Michigan, -		347	418	495	535, 586	586
199	In relation to suspending a certain law changing the time of holding circuit courts in Madison county, -				353	367, 390	390
236	Designating the same day throughout the U. S. for election of President and Vice President, -	355	388	514	645		672
237	For the relief of Samuel H. Patterson, superintendent of the State Prison, -	357	388, 392	393	463	483, 536	523
238	Concerning state bonds, -	357					
239	To bring back good times, -	337					
242	Authorizing the board of internal improvement to settle claims of contr's on Central canal, -	373	388	419	496	522	587
245	Relative to the revision of the laws, -	376	388				
327	In relation to the construction of a harbor at Michigan City, -	479		479	504	535, 586	586
329	To prevent any further expenditures on the Madison road, -	480		480			
353	To authorize to settle with the Stewarts, &c., -	505		639			
370	On the subject of improving the navigation of the Western rivers, -	531		531	593	646	672
378	Defining certain duties of Auditor and Treasurer of State, -	560		632			

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JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—CONTINUED.

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the House.	Passed House.	Passed Senate.	Other proceedings.	Approved.
383	In relation to the liquidation of a claim of the Treasurer of State, - - -	582		610	650		679
408	On the subject of a lunatic asylum, - - -	599		599	650		677
416	To save thirty thousand dollars, - - -	615	635				
432	For the relief of Hugh O'Neal, - - -	631		631	668		679
433	Requiring the State agent to give an official bond and to take an oath of office, - - -	668		668	668		679
426	To provide for a reference, &c. in case of Madison road contractors, - - -	626	635	626			

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JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings in committee of the whole, and in the House.	Passed House.	Other proceedings.	Approved.
2	On the subject of a resumption of specie payments, - - -	168	472, 487, 491	491	504, 513, 536, } 538, 544, 601. }	673
7	On the subject of a resumption of specie payments, &c, - - -	129	130	148	170, 191	
8	On the subject of a location of an armory in the West, - - -	66	72, 73, 86	122	148, 157, 167	
15	On the subject of the sale of lands mortgaged to sinking fund, - - -	66		66	73	
50	For the benefit of the citizens of the reserved township, in Gibson county, - - -	168	188	191	240, 267	
63	Appointing an agent to examine the state and condition of the State Bank and branches, - - -	368		370	386, 403, 438, 483	
112	Authorizing the distribution of the revised laws of 1838 to Randolph county, - - -	371	404		587, 629	
113	In relation to Indiana University, - - -	371	456	515	587, 629	
135	In relation to obtaining copies of reports which may throw light on the early settlement of this State, - - -	382	512			
148	Ratifying 13th article of the United States, - - -	443	515	610		

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JOINT RESOLUTIONS OF THE SENATE—CONTINUED.

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Inviting Senate to be present at the opening session with prayer,	Saylor		10
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Inviting Senate to hear Governor's message,	Harding		12
To print the Governor's message,	Cogswell		29
Authorizing door-keeper to employ assistance,	Cogswell		29
To print the order of business,	Leslie		32
To investigate acts of internal improvement agents, &c.,	Defrees		34
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For newspapers for members,	Goodhue		35
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To repeal revenue law of 1841,	Matheny		36
To reduce taxes to ordinary expenses of government,	Robinson of C.	} rejected	36
To offer public works to State creditors at cost,	Robinson of C.		37
To abolish imprisonment for debt, &c.,	Robinson of C.		37
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To repeal penalty of ten per cent. for non-payment of taxes,
 Calling on Secretary of State for information as to U. S. laws,
 To abolish imprisonment for debt, -
 To reduce the pay of members, -
 In relation to salaries of treasurer, &c., -
 To repeal 16th section of act relating to county treasurer,
 In relation to deputy collectors, -
 In relation to the proper proceedings in case of death of judgment debtor,
 In relation to reducing members' pay, and salaries of officers,
 To reduce interest on money to six per cent., -
 Authorizing surplus fund agents to dispose of real estate, &c.,
 To amend act pointing out mode of levying taxes,
 To amend justices' act in the 48th section,
 To repeal a part of the militia law of 1840,
 On the subject of amending road law,
 To repeal the act of 1841, amending surplus revenue act,
 To exempt land of revolutionary soldiers from taxation,
 In relation to money arising from school sections,
 In relation to amending ejectment law,
 In relation to Green river island, -
 To require property to be sold for two-thirds its value,
 As to expenditures about State-house,
 In relation to the affairs of the State Bank,
 To go into committee of whole on Governor's message,
 To reduce interest of money to six per cent.,
 In relation to expenditures of treasury buildings,
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 To repeal the present probate system, &c., -
 To amend probate act, -

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38	Gorman		39
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39	Hackleman		39
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39	Townsend	rejected	39
39	Ritchey	42	39
40	Shoup	rejected	40
40	Gorman	rejected	40
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41	Ogden		41
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41	Mitchell		41
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55	Runyon	rejected	55
55	Leslie		55

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RESOLUTIONS—CONTINUED.

SUBJECT MATTER OF.

Introduced.	Mover's Name.	Other proceed-ings.	Adopted.
To grant privilege to companies to finish public works, -	Mr. Edwards		55
Requiring executions in capital cases take place within prison walls, -	Runyon		55
In relation to auditors' duty as to jury pannels, -	Clark		55
In relation to the surplus revenue, -	Hackleman		56
To tax lawyers and doctors, &c., -	Shoup	207	
To exempt clergymen from working on roads, -	Ogden	rejected	
In relation to mileage of treasurers, constables, &c., -	Clements		56
Granting privileges of library temporarily to Mr. Dillon, -	Defrees		56
Referring Governor's message to appropriate committees, -	Com. of whole		58
Giving instructions to judiciary committee, -	Chapman of H		58
Inviting Senate to the Hall to go into election of judges, &c. -	Cooper		60
In relation to the election of assessors, -	Norvell		62
In relation to State bonds heretofore sold, -	Thompson		62
In relation to witnesses' fees and docket fee, -	Milliken		62
To reduce price of canal lands, -	Bearss	63	63
In relation to the unfinished business of last session, -	Harding		63
That judgments shall bear the same interest as the contract, -	Chapman	rejected	
As to the number of agents, &c. connected with system of in- ternal improvements, -	Brown of M		63

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To abolish board of internal improvements, -	Mr. Gorman		63
To amend justices' act, -	Saffer	rejected	
In relation to resumption of specie payments by the State Bank, -	Matheny		63
In relation to the Michigan and Erie canal, -	Marsh		63
To encourage agricultural interests, -	Tisdale	rejected	
To exempt two hundred dollars worth of property from execution, -	Robinson of R	rejected	
In relation to an amendment to school law, -	Frink		64
In relation to the number of petit jurors, -	Rand		64
Requiring supervisors to give bond, -	Davis of F	rejected	
To reciprocate resolu. of Senate as to committee of investigation, -	Marshall		
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To let the public works to associations, &c., -	Hendricks		68
To abolish office of fund commissioner, -	Chrisman		68
In relation to tax on individual stock in State Bank, -	Milliken		68
As to the sale of W. and E. canal lands to extend canal, &c. -	Hannegan		68
To extend the time for collecting taxes, -	Myers		68
To improve the navigation of St. Joseph river, -	Mitchell		69
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To issue scrip to complete a part of White Water canal, -	Shoup		
For an appropriation on the Erie and Michigan canal, -	Wines of A		69
To abolish office of chief engineer, -	Cooper		69
In relation to recording mortgages, &c., -	Foulk		70
To authorize county boards to divide road districts, -	Leslie		70
For a transfer of the public works to com'ys on paym't of bonds, -	Marshall		70
In relation to grand jurors, -	McAlister		70
Calling for esti. on W. and E. canal from Tip'noe to Terre Haute, -	Robinson of C		70
Asking Congress for lands on Central canal, -	Wines of A		70
In relation to divorces, -	Hendricks		70

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RESOLUTIONS—CONTINUED.

SUBJECT MATTER OF		Introduced.	Mover's name.	Other proceed-ings.	Adopted.
In relation to costs before justices in small suits,	-	70	Mr. Goodhue,		70
In relation to a part of message on subject of public works,	-	71	Clements,		71
In relation to privilege of members,	-	71	Saylor,	87	
To repeal a part of the valuation act,	-	71	Reed,		71
In relation to valuation of property under execution, &c.,	-	71	Sinks,		71
In relation to the pay of supervisors,	-	71	Cooper,		71
In relation to the claim of J. H. Hendricks,	-	71	Lawrence,		71
As to expenditure on New Albany and Vincennes road between Paoli and Mount Pleasant,	-				
Calling upon Sec'y of State for contract, &c. of Sup'ts of St. Prison,	-	72	Clements,		72
To amend the standing rules,	-	72	Simonsoon,		72
In relation to petit jurors,	-	74	Graham,		
In relation to payment of the bank debt,	-	79	Norvell,		79
For a repeal of the bankrupt law,	-	80	Goodenow,		80
On the subject of judgments bearing same interest as contract,	-	80	Saylor,		
To repeal act to provide for revising laws,	-	80	Lingle,	rejected.	81
In relation to clerks' return of fines,	-	81	O'Neill,		81
For special application of the tax of certain counties,	-	81	Butler,		81
Asking information into suits, from fund commissioner,	-	81	Marsh,		81
	-	81	Ritchey,		81

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In relation to the Governor's message,	-	81	Coon,		82
In relation to the public printers,	-	82	Gorman,		82
In relation to number of jury before a justice,	-	82	Runyon,		82
For an estimate on the Whitewater canal,	-	82	Ogden,		83
Authorising clerks to enter judgment in vacation on judgment bond,	-	83	Davis of S.,		83
On the subject of resumption by the banks,	-	83	Garrigus,		83
Plea of title to lands before justice to be sworn to,	-	83	Davis of F.,		83
To enter the names of members calling for ayes and noes on journal,	-	83	Marsh,		83
To dispose of public works to companies,	-	83	Gorman,		83
To amend act incorporating congressional townships,	-	84	Milliken,		84
In relation to the revenue of Vanderburgh county for 1841,	-	84	Clark,		84
In relation to the purchase of state bonds,	-	84	Stratton,		84
In relation to interest on suspended debt,	-	86	Norvell,		86
Asking for information in relation to Whitewater canal,	-	86	Shoup,		86
Granting the use of Hall to John Dillen for historical address,	-	87	Brown of M.,		87
Inviting Senate to Hall to go into election of judge, &c.,	-	95	Gorman,		95
On the subject of pre-emption on Wabash and Erie canal lands,	-	99	Grover,		99
To reorganise militia of Indiana,	-	99	Edwards,		99
Exempting one hundred dollars' worth of property from taxation,	-	100	Shoup,		100
On the subject of the pecuniary distress of the country,	-	100	Cooper,		100
Requiring Secretary of State to report result of suit against State by Osborn & Co.,	-				
To repeal the law authorising the taxing of docket fees,	-	100	Harding,		100
To authorise the sale of any of the public works,	-	100	Foley,		100
To reduce price of canal lands,	-	101	Bowers,		101
On the subject of lawful fence,	-	101	Robinson of C.		101
To amend school law,	-	101	Milliken,		101
On the subject of amending practice act, &c.,	-	101	Foley,		101
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	-	101	Clements,		101

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RESOLUTIONS—CONTINUED.

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SUBJECT MATTER OF,	Introduced.	Mover's name.	Other proceed-ings.	Adopted.
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